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DEPARTMENT OF THE INTERIOR
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February 25, 1976

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SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

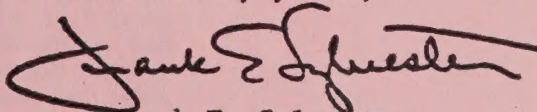
Mr. Joseph C. Houghteling, Chairman
San Francisco Bay Conservation and
Development Commission
30 Van Ness Avenue
San Francisco, California 94102

Dear Mr. Houghteling:

Thank you for the opportunity to comment on the staff report to the Commission, "Public Access and Shoreline Recreation Areas," February 1976. We recognize the need for Bay Conservation and Development Commission's involvement in maximizing public outdoor recreation opportunities along the shoreline of San Francisco Bay and agree that this involvement should be both to provide a regional perspective in shore zone recreation planning and to continue to obtain additional public access through the BCDC permit process. Moreover, we support the overall goals and recommendations in the report calling for the formulation of comprehensive plans by BCDC for public access and public outdoor recreation.

We offer the following comments and suggestions regarding specific parts of the report. While we understand that the Bay Plan and the McAteer-Petris Act require the Commission to treat parks and public access as separate issues, we do think that the report should make it clear that the two are really two different approaches or stages to the same goal. That is, it should be so stated that the public access plan is to make available additional public outdoor recreation opportunities along San Francisco Bay. Also, we note that no mention is made of the Association of Bay Area Governments and their role in providing a regional perspective in recreation planning. We think that coordination with ABAG on this issue is fairly important. Finally, we also believe there is a need for the publication of an information brochure showing existing public access sites and recreation areas around the San Francisco Bay shoreline.

Sincerely yours,



Frank E. Sylvester
Regional Director



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SIGNS WOULD MARK PUBLIC SHORE AREAS

Much of public is unaware where areas are

Signs May Mark Shoreline Access

The San Francisco Bay Conservation and Development Commission is considering a proposal to erect road signs and waterfront markers designating a "public shore" where the public has legal access to the Bay shoreline without trespassing on private property.

In the seven years of its existence the Bay Commission has required a number of developers to dedicate public access easements to the shore and along the shoreline, but the existence of many of these public access areas is almost unknown to the general public.

Joseph Bodovitz, BCDC executive director, said the proposal to publicize such areas with the "public shore" sign has been endorsed by BCDC's design review board and will be submitted to the commission in the near future.

The sign was designed by Kent E. Watson, a BCDC staff member who was formerly a landscape architect with the East Bay Regional Park District. It was designed to fit into the pattern of the international traffic signs now being

installed in the United States.

Watson suggested that property owners be required to install the signs in designated public access areas as one of the conditions for receiving a shoreline development permit from BCDC. In some cases the posting would be a temporary educational program which could be abandoned in a few years.

However, he suggested, local governments might want to adopt the symbol as a standard street directional sign to show people how to reach beaches, marshes, view sites and other areas where there is legal public access to the Bay.

One of the questions being debated by the commission is whether the "public shore" signs should also contain a message advising that access was provided by the efforts of BCDC and advertising how people can contact BCDC to get a list of other such public access areas.

Bodovitz said he believes any such lengthy message posted with the signs should also give credit to the property owners who dedicated part of their land for public access.

OAKLAND TRIBUNE

October 3, 1972

only

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May 14, 1970

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JUN 3 1970

UNIVERSITY OF CALIFORNIA

Bay Conservation & Development Commission
507 Polk Street
San Francisco, CA. 94102

ATTENTION: Mr. Melvin B. Lane, Chairman

RE: San Francisco Bay Tidelands and Shoreline Which Has Been Dedicated to
Public Use.

Gentlemen:

A great opportunity exists to preserve public access to the tidelands and waters of San Francisco Bay in a number of areas in which the extent of adverse use by the public of such lands would support a judicial holding that the lands have been dedicated to public use.

In the recent California Supreme Court decisions of Gion v. City of Santa Cruz and Dietz v. King, in which the court adopted the position urged by the California Attorney General and the Sierra Club, the court ruled that upon a showing of five years or more of use of beaches, tidelands and access routes thereto the burden falls upon the landowner to show why such public use was not adverse and why such public use should not result in a determination that the lands in question were dedicated to public use.

As one example in which the Supreme Court's decision would appear to be applicable, the Santa Fe Railway owns a substantial part of the Bay frontage and beach in the City of Berkeley. "No trespassing" signs are placed at intervals along this beach and tide area. Nonetheless, these lands have been openly and continuously used by members of the public for fishing and other forms of recreation without objection for a great length of time. It is quite possible that a judicial determination could be obtained that these tideland and shoreline areas are dedicated to public use under the Gion and Dietz decisions.

Because of the variety and extent of lands surrounding San Francisco Bay, it seems to us that it would be appropriate for B.C.D.C. to make an extensive factual investigation as to areas in which de facto public access now exists. After such study, B.C.D.C. should, we believe, take steps to amend the Bay Plan and the Bay Plan maps to reflect these established public rights.

We, of course, offer the assistance of the Sierra Club in this undertaking.

Yours very truly,

/s/

H. Donald Harris, Jr., Co-Chairman
Sierra Club, Legal Committee

November 14, 1977

NOV 15 1977

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

UNIVERSITY OF CALIFORNIA

SUBJECT: PUBLIC ACCESS PLAN: STAFF REPORT AND PUBLIC HEARING, NORTH BAY REGION
(For Commission consideration on November 17, 1977)

Background and Description

Since the program for the Public Access Plan was approved in January, 1977, the staff has begun the area-by-area analysis called for in the program approved by the Commission. The preliminary work on the Marin, San Pablo Bay, and Suisun Bay areas has now been completed. This work included the preparation by the staff of a first draft of proposed preliminary findings, conclusions, and detailed "resource analysis maps" based upon a staff inventory of land use, natural resources, and visual resources of each area in relation to public access to the Bay. This first draft was then distributed to a wide variety of agencies, organizations, and individuals for comment. Extensive comments were received by the staff, both at informal staff meetings and at the public meetings held in San Rafael on March 23, 1977, and in Vallejo on September 7, 1977.

Enclosed for Commission and further public consideration at this time is a second draft of the proposed preliminary findings and conclusions, with maps showing the sites identified in the preliminary findings and conclusions. This draft has been revised to reflect the comments received during the public review of the previous draft. Also enclosed is a detailed "Background and Description" paper which includes a description of the process and criteria used in the plan. Revised resource analysis maps for the areas involved, which are too large for convenient mailing, will be available at the Commission meeting. The written comments on the first staff draft and a summary of the oral comments received at the public meetings will also be available at the meeting.

Effect of the Plan; Limitations of the Plan

One concern expressed in a number of comments on the staff's first draft of the proposed preliminary findings and conclusions was that the identification of a particular site as offering exceptional or unusually good opportunities for public access meant that the public should have unlimited access, regardless of the character of the site or the sensitivity of neighboring habitat. Other comments, on the other hand, indicated a concern that the failure to identify a site as desirable for public access indicated that public access was not appropriate and would not be required as a condition of development.

Neither is an accurate interpretation of the Plan. The Plan is intended to identify only those sites offering exceptional or unusually good opportunities for public access. Consequently, the failure to identify a site does not mean that public access is inappropriate, and, as in the past, each project for which a BCDC permit is required under the McAteer-Petris Act regardless of location, will have to be evaluated to ensure that it provides maximum feasible public access consistent with the project.

Conversely, the identification of a site does not constitute an unqualified endorsement of public access of all kinds and under all circumstances. As the proposed preliminary findings and conclusions make especially clear with regard to public access to sensitive habitat areas, further evaluation of the nature and extent of public access at each site identified should take place at the time the site is being considered for acquisition or a permit is pending before the Commission.

Staff Recommendation

Because of the short time this material will have been available for public review by the Commission meeting of November 17, 1977, the staff recommends that the Commission not close the public hearing at that meeting, but to continue it to the meeting of December 1, 1977.

78 03535
Enclosures: Background and Description (Includes "Process and Criteria" Appendix)
78 03536 Preliminary Findings and Conclusions: MARIN COUNTY PORTION
78 03537 Preliminary Findings and Conclusions: SAN PABLO BAY PORTION
78 03538 Preliminary Findings and Conclusions: SUISUN BAY PORTION

7701612
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

November 23, 1977

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

SUBJECT: CONTINUATION OF PUBLIC HEARING; FIRST SEGMENT, PUBLIC ACCESS PLAN

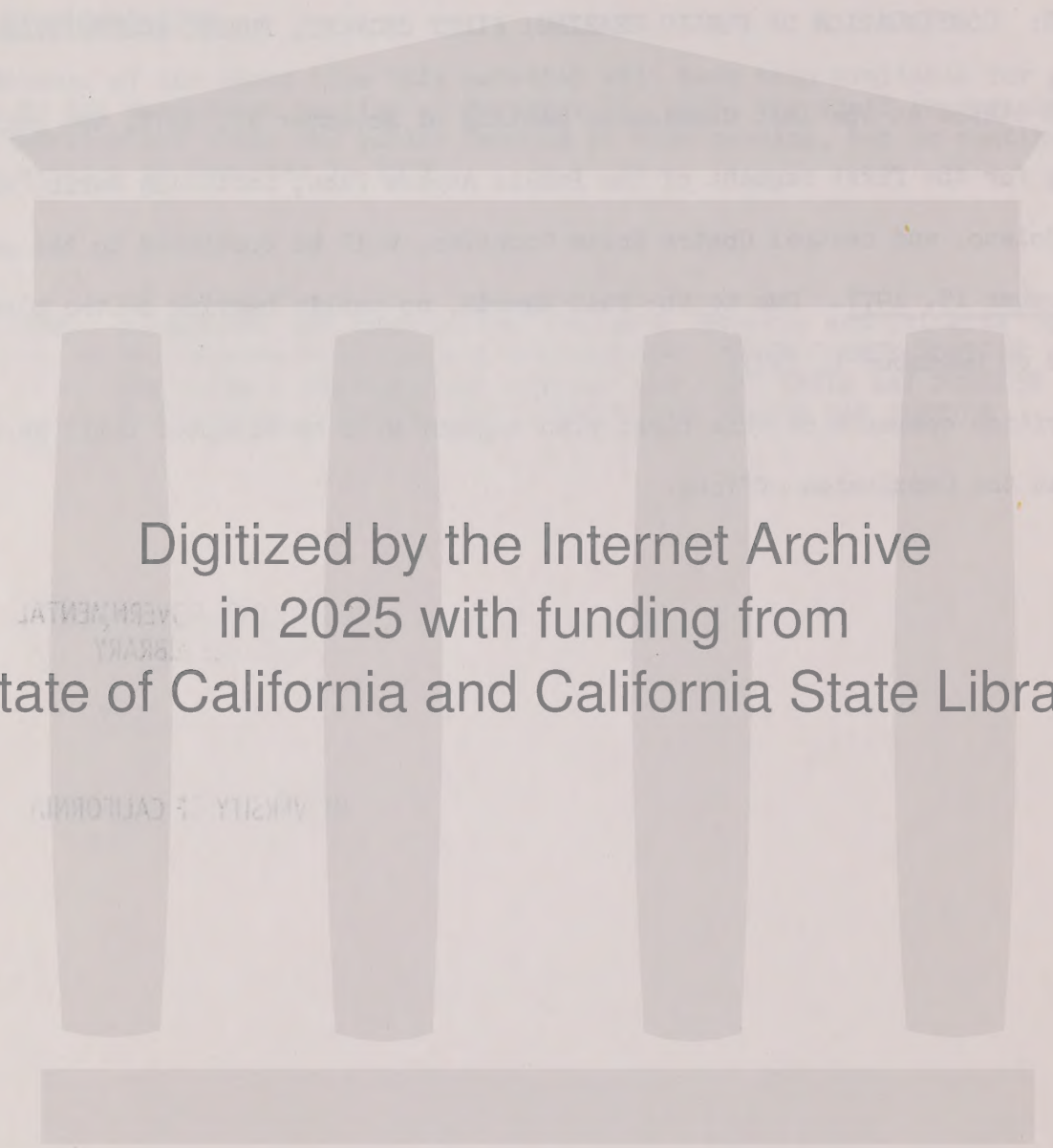
As stated at the last Commission meeting of November 17, 1977, the public hearing for the first segment of the Public Access Plan, including Marin, Sonoma, Napa, Solano, and central Contra Costa Counties, will be continued to the meeting of December 15, 1977. Due to the full agenda, no public hearing on the plan will be held on December 1, 1977.

Written comments on this first plan segment will be accepted until March 1, 1978, at the Commission offices.

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STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 557-3686



January 6, 1978

Mrs. Dean H. Watkins
215 Mountain Wood Lane
Woodside, California 94062

Dear Mrs. Watkins:

Thank you for your letter regarding the public access plan, and particularly your kind remarks regarding my slide presentation. I apologize for this delay in responding, however, the preparation for the Vallejo public meeting and the personnel changes on our staff set us back a bit more than I expected.

As you know, the Bay Plan recognized the need for more study of the problems of public liability, maintenance and policing (security). Largely on the basis of the Bay Plan and our own experience we determined at the outset the need to engage at least one consultant to study these problems. I feel as you do that any such study must ask the kinds of questions you have posed. Only after the answers have been obtained can we know the extent of these problems and their possible solution.

Enclosed for your information is a copy of our recently released request for proposals (RFP) to examine the maintenance and security problems. Clem has indicated that the Attorney General's office would look at the questions relating to liability.

Thank you for your continuing interest. I plan to share your letter with our consultant once he or she is hired.

Very truly yours,

KENT E. WATSON
Design Analyst/Landscape Architect

KEW/sl

Enclosure (copy of RFP)

(OVER)

215 MOUNTAIN WOOD LANE
WOODSIDE, CALIFORNIA 94062 16 August 1977

Mr. Kent E. Watson
San Francisco Bay Conservation and Development Commission
30 Van Ness Avenue
San Francisco CA 94102

Dear Kent:

Some time ago you and I discussed public access and my interest in getting some reaction from former applicants about their experiences with the access they have provided.

As part of the current study of access, I would be interested in an analysis of its costs, both the initial land and improvement costs and the continuing cost of maintenance.

I feel that it would be helpful to the Commission in making decisions as to what is "maximum feasible public access" if we had some notion of what we are asking of an applicant both in the long and the short term.

It would be useful as well to have some notion of the experience of former applicants in the kind and degree of use of the public access they are providing. I would be interested in knowing if their experience has been positive or negative; has maintenance been easier or more difficult than expected? more or less costly? does it enhance or detract from the area or business? in the case of business, is it used by employees? would the design or amenities provided be changed in doing a similar development? if so, how and why?

These are a few questions that come to mind. I am sure there are many more that might be asked to further refine our procedures and decisions.

I would be interested in your reaction to the desirability and feasibility of getting such information.

In closing I want to tell you how very much I enjoyed the slide presentation you gave the Commission on public access. It was exceedingly well done and set just the right tone for a discussion of the problems and the opportunities. Congratulations!!

c: Charlie Roberts

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AUG 18 1977

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Sincerely,

Bessie
Bessie H. Watkins
(Mrs. Dean A.)

Henry W. Simonsen
105 Edgewater Drive
Rio Vista, Ca. 94571

December 15, 1977

Mr. Charles R. Roberts, Executive Director
San Francisco Bay Conservation and Development Commission
30 Van Ness Ave.
San Francisco, Ca., 94102

Subject: Public Access Plan

Dear Mr. Roberts and Members of the Commission:

First I would like to congratulate your Commission on the good work that you and your staff have done with reference to the Public Access Plan. I certainly believe in Public Access in areas that do not constitute a threat to two of our valuable assets namely (Wildlife and Wildlife Habitat and Industrial Zoned areas).

Staff has provided you with an excellent report on Wildlife and Wildlife Habitat therefore I would like to emphasize the need for protecting our Industrial Shoreline Facilities.

- 1- California already has a poor Business Climate (rated 48 out of 50) and additional regulations making it costlier to do business in California will add fuel to the fire and ultimately effect our Bay Area Tax Base.
- 2- The cost of government in California and particularly the Bay Area is very high and the taxpayers are very concerned with increased taxes and inflation. I beleive that all branches pf government should consider the cost benefit of all regulations to be sure the new regulations are really worth the cost of implementation and maintenance in the years ahead. Already the average taxpayer is paying nearly 50% of his income to direct and indirect taxation. When does the straw break the camels back?
- 3- Industry already pays a high premium for doing business in California and allowing public access around Industrial Plants is going to add to their costs as follows:
 - (A) Will require increased security to police the area especially from potential activists activities.
 - (B) Will require cleaning up litter along their fence lines. This could also increase the fire hazard problem to the plant.
 - (C) Increase their liablility insurance premiums due to additional exposure of people around their facilities.

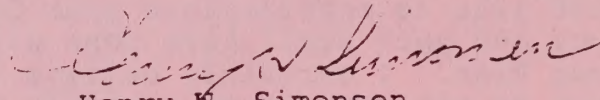
(OVER)

4- It will also increase the cost of litter control, policing and up keep of public access's by local government. We are unable to properly police our society now without adding new areas that will be very difficult to control.

It doesn't seem worthwhile to add additional cost to Industry and Local Government to benefit a relatively few people to areas that aren't that attractive in the first place.

I hope you will give consideration to my suggestion as I feel there has been to many State Laws and Regulations put into effect in the last few years. Most of them have been detrimental to Industry and I think it is time for government to recognize the benefits of a good tax base and private employment to generate our economy. It is important to have a good economy so the citizens of our state can enjoy some of the benefits your Commission has worked so hard to accomplish.

Very truly yours,


Henry W. Simonsen
Member of Advisory Board

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

30 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 557-3686

PUBLIC ACCESS PLAN

January 17, 1978

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AUG 18 1978

Mr. Henry W. Simonson
105 Edgewater Drive
Rio Vista, California 94571

UNIVERSITY OF CALIFORNIA

SUBJECT: Public Access Plan

Dear Mr. Simonson:

Thank you for your letter of December 19, 1977, regarding the relationship of industrial shoreline facilities to public access.

Some of the issues you raise relate directly to the McAteer-Petris Act, the BCDC law, which was amended substantially in 1969 to provide for Commission jurisdiction over the shoreline band. As you know, the law states that the Commission may approve a permit for shoreline band development only if that project provides "maximum feasible public access, consistent with the project." It is true that some types of industrial development are not compatible with public access; however, the Commission has in the past worked-out public access conditions with such industrial applicants as the Port of Oakland, the City of Vallejo (waterfront industrial park), and the Port of San Francisco, to name a few.

We will be carefully examining the issues of liability, maintenance and policing (security) as part of the Public Access Plan. Consultant proposals are now being accepted for the maintenance and policing report. The Attorney General's office will be examining the liability questions related to public access. Both parties will be provided with a copy of your letter, since we also feel that the questions you raise should be examined.

If you have any further questions regarding the Public Access Plan, please contact Kent Watson, the project director. Thank you for your interest and comments.

Very truly yours,

CHARLES R. ROBERTS
Executive Director

CRR/mm

77 0 1672

**San Francisco Bay
Conservation
& Development
Commission**

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MAY 9 1978

UNIVERSITY OF CALIFORNIA

Attached are copies of our news releases
announcing the two Public Shoreline Meetings
to be held in Palo Alto and Foster City
during June.

The BCDC staff is bringing this to your
attention because we feel that your organization
may be particularly interested in the
future of public access to the Bay shoreline.

We hope that your group will be well represented
and encourage all the members to express
their views both at these meetings and on
a continuing basis.

Kent E. Watson

Project Director
Public Access Plan

Enclosures

News Release

Public Access Plan
San Francisco Bay Conservation
and Development Commission

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San Francisco, CA. 94102
(415) 557-3686

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MAY 9 1978

FOR IMMEDIATE RELEASE

UNIVERSITY OF CALIFORNIA

Are you interested in getting more and better access to the shoreline for San Francisco Bay? If so, you should attend the Public Shoreline Meeting on the Northern Alameda County area which will be held on Wednesday, May 31st in Oakland at the Rotary Natural Science Center in Lakeside Park, beginning at 7:30 p.m.

The purpose of the meeting, sponsored by the San Francisco Bay Conservation and Development Commission (BCDC), will be to brief the public and gather citizen input on this portion of the Public Access Plan now being prepared by the BCDC Staff.

With the aid of slides and detailed maps, the BCDC staff will discuss the Commission's current role in obtaining public access through the permit process, present maps and preliminary findings for the Northern Alameda County shoreline, and most importantly, listen to the public's ideas and opinions on where and what kind of public access should be provided to the varied East Bay shoreline.

The Oakland meeting will be co-chaired by BCDC Commissioners Frank Ogawa and John George. Mr. Ogawa is an Oakland City Councilman. Mr. George represents the Fifth District on the Alameda County Board of Supervisors.

Additional meetings are being scheduled for Pinole, Fremont, Palo Alto, Foster City, and San Francisco. Upon completion of the public meetings in mid-June, public hearings on the total Public Access Plan will be held by the Commission in August, with final Plan approval expected in September, 1978.

May 5, 1978

May 8, 1978

A PUBLIC ACCESS PLAN FOR SAN FRANCISCO BAY

Introduction & Background

As the state agency charged with regulating development activities in and adjacent to San Francisco Bay, the San Francisco Bay Conservation and Development Commission (BCDC) is guided in its decisions by two important documents; the McAteer-Petris Act, the state law that originally established the BCDC in 1965; and the San Francisco Bay Plan, the policy incorporated into the law in 1969. In its findings and policies, the Bay Plan clearly emphasized the need for greater public use and appreciation of the region's most valuable resource - San Francisco Bay. One of the plan's most important policies - and since 1969 a requirement of the BCDC law - is that "maximum feasible public access, consistent with a proposed project," to the Bay must be provided in any project requiring a BCDC permit. Since the Commission became a permanent agency in November 1969, nearly 15 miles of new shoreline access have been provided through the permit process. This is in addition to the shoreline access planned and provided by public park and open space agencies.

THE NEED FOR THE PLAN

The nature of the development process is such that only portions of the shoreline at any one time are being developed or changed so as to require a BCDC permit. Public access obtained on a permit-by-permit basis is often discontinuous and sometimes unrelated to information about land uses or other factors beyond the scope of the immediate project. The need, therefore, has been to develop a comprehensive plan for public access around the Bay and to assist both applicants and the Commission in better satisfying the public access requirement of the permit process. On the recommendation of two earlier staff reports, the Commission authorized staff to proceed with the Public Access Plan and adopted the planning program on January 20, 1977.

PUBLIC ACCESS GOALS

The overriding goal of the Plan is to facilitate implementation of the Commission's policy of providing maximum feasible public access to the Bay. This Plan will strengthen that requirement by assisting the Commission in making public access decisions through the permit process. An important secondary goal of the plan is the encouragement and support of local park and open space agencies in their plans and applications for acquisition and development of important shoreline sites.

PLAN FORMAT AND SCHEDULE

The final plan will contain findings and conclusions, and plan maps with policy notes and guidelines, relating to public access for each of eight geographic areas around the Bay*, which together will comprise the entire shoreline. The plan will also include sections on 1) appearance and design guidelines, and 2) implementation, including a report on the issues of liability, maintenance, and policing related to public access.

The preliminary findings and conclusions prepared by staff for each planning area are based upon a resource inventory and analysis process, in which staff, in cooperation with local, county, state, and federal agencies, identifies and analyzes the land use (and cultural), natural, and visual resources around the shoreline of the Bay. In general, the criteria for these findings and conclusions are based upon securing the most desirable and meaningful public access to the Bay. These criteria are listed in a separate appendix.

The staff and Commission will hold various public meetings and hearings around the Bay Area on each portion of the plan. However, no final action by the Commission will take place until August, 1978 when the complete preliminary plan is assembled from the various components and additional public hearings are held. In order to meet the conditions of BCDC's Coastal Zone Management grant, the plan must be approved by the Commission for submittal to the Office of Coastal Zone Management by October 1, 1978.

IMPLEMENTATION

As now conceived, the effect of the plan would be to assist the Commission in making public access decisions when evaluating permit applications, and, secondarily, to recommend sites for future control or acquisition as public use areas by other appropriate agencies. Other implementation recommendations may evolve as the plan progresses.

EFFECT ON BCDC PERMIT APPLICATIONS

Since the primary purpose of the plan is to assist the Commission in making public access decisions, it is not intended to show every area where public access may be required as a condition of a permit application. Consequently, absence of a designation for public access in the Plan does not mean that the future permit applicants will be relieved of the obligation to provide maximum feasible public access consistent with a project as required by the BCDC law.

* The eight planning areas are: Marin County; San Pablo Bay (Sonoma, Napa and western Solano Counties); Suisun Bay (central Solano and Contra Costa Counties); western Contra Costa County; northern Alameda County; southern Alameda County; Santa Clara and southern San Mateo Counties; and northern San Mateo County and the City and County of San Francisco.

7 01672

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

June 9, 1978

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director
SUBJECT: PUBLIC ACCESS PLAN, STATUS REPORT
(For Commission consideration on June 15, 1978)

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JUN 12 1978

UNIVERSITY OF CALIFORNIA

Background and Description

Since the program for the Public Access Plan was approved last year, the staff has completed the area-by-area analysis of the shoreline for public access called for in the program. To date, the staff has completed Preliminary Findings and Conclusions for all sections of the shoreline, excluding San Mateo and San Francisco Counties. The Preliminary Findings and Conclusions for the Marin, North San Pablo Bay and Suisun Bay areas of the shoreline are being revised pursuant to comments received from the public and various agencies. These findings and conclusions, along with Public Access Maps and Resource Analysis Maps, have been developed by the staff from an inventory of the land use, natural resource, and visual resource information related to the entire shoreline of the Bay. As of this date, June 9, 1978, six informal evening meetings have been held around the Bay in order to provide the public with opportunities to review and comment on the staff's work. In addition, the staff has met informally with the various agencies and organizations that have interest in or jurisdiction over the Bay.

Enclosures

Enclosed for the Commission's information is a complete set of the most recent Preliminary Findings and Conclusions (with schematic maps) for the West Contra Costa County, Northern Alameda County, Southern Alameda County and Santa Clara County portions of the shoreline. These documents were presented at each of the public evening meetings in Pinole, Oakland, Fremont, and Palo Alto; they do not include any revisions based upon input from those meetings.

The revised Preliminary Findings and Conclusions for the Marin, North San Pablo, and Suisun Bay portions of the shoreline will be made available to the Commission in the near future when the latest revisions have been completed.

Status Report

At the June 15, 1978, Commission meeting, the staff will make a brief presentation on the status of the Plan including a report on the last four public evening meetings. Commissioners Fahden, Kay, Ogawa, George, Osborn, Steinberg, and Eastman acted as co-chairs for these meetings.

See

78 03539 West Contra Costa co.
78 03540 Northern Alameda co.
78 03541 Southern Alameda co.
78 03542 Santa Clara co.

Staff Recommendation

Since the complete Preliminary Public Access Plan is fast nearing completion and will be scheduled for public hearing before the Commission in August, the staff recommends that the Commission receive this material for information only. The public should be advised that comments on these materials, received prior to June 30, 1978, will be considered in the complete Preliminary Public Access Plan.

07-672
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102

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June 9, 1978

JUN 12 1978

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

UNIVERSITY OF CALIFORNIA

SUBJECT: Brief Descriptive Summary of Proposed Public Access Amendments to the
Bay Plan
(For Commission consideration June 15, 1978)

Background

In January, 1977, on the basis of earlier staff reports that cited the need for a relatively detailed plan for public access, the Commission authorized the staff to proceed with the public access planning project. The intent of this project is to prepare a Public Access Plan for the Bay, which, in addition to providing guidance for the Commission's regulatory functions, will help to satisfy Federal requirements of the Coastal Zone Act of 1972 as amended, and maintain the Commission's eligibility for coastal zone grants.

During the last year, the staff has been developing draft findings and conclusions for the eight segments of the Bay shoreline that have been delineated for access planning purposes. Public comments on these drafts have been solicited at a series of eight public meetings held at convenient locations around the Bay. BCDC Commissioners have served as chairmen at these meetings. A consultant has also been retained to review the issues associated with policing (security) and maintenance of public access areas achieved by the BCDC permit process. Additionally, the staff has reviewed the appearance and design guidelines of the Bay Plan. On the basis of this work to date, it is anticipated that supplements and amendments to the Bay Plan will be desirable.

Procedures

Section 10810 of the Commission's Regulations requires the Commission to approve a Brief Descriptive Summary of any proposed Bay Plan amendments it wishes to consider. It also requires written notice of a public hearing on such amendments. These procedural steps are preliminary to the Commission's giving further detail consideration to any possible amendments. Final voting on amendments cannot take place until at least 90 days after notice of public hearing is mailed.

Brief Descriptive Summary. The objectives of the Public Access Plan are as follows:

1. To advise the Commission, primarily through the Design Review Board and staff, in providing maximum feasible public access through the permit process as now required by the McAteer-Petris Act;

2. To assist designers and developers involved with shoreline areas in developing attractive projects and suitable public access;
3. To advise local, special district, State and Federal agencies of those areas of regional significance outside BCDC jurisdiction that have unusual public access benefits; and
4. To explore and possibly recommend methods other than the existing permit authority by which continuity in public access may be provided.

The planning process used to develop the plan analyzes land use, natural resource and visual resource information to identify the most desirable public access areas along the Bay shoreline. The plan also helps to identify areas needed for developing continuous access along those portions of the Bay where continuity is desirable.

The access plan will consist of (1) findings, conclusions, and recommendations in narrative form and on maps which will serve to advise BCDC and other agencies on shoreline public access. In addition it will include an implementation section, containing recommendations to local, other regional and state agencies; (2) amendments to existing Bay Plan findings and policies on Public Access (Bay Plan, pp. 29-30), Appearance and Design (Bay Plan, pp. 31-32) and Scenic Views (Bay Plan, p. 33); (3) possible amendments to Bay Plan maps, including map policies, recommendations and notes (but not priority use boundaries); (4) possible amendments to Appendix A (General Development Guide) of the Bay Plan.

The effect of these elaborations and changes to the Bay Plan will be a more specific delineation of important access areas around the Bay. Better perspective on how individual access sites should and can be linked to achieve a comprehensive public access system will also be provided. The Public Access Plan will primarily serve as a detailed supplement to the Bay Plan on access matters and as such will provide more detailed information for the Commission to consider when permit applications are considered. The document will be advisory to the Commission and other interested parties and agencies. The plan is not a parks and recreation plan, and it will involve no changes to park or other priority use boundaries.

Environmental Documentation

In conformance with Commission regulations and the California Environmental Quality Act, an environmental impact report (EIR) will be prepared for consideration and certification prior to any action on the Public Access Plan.

The staff work on the Public Access Plan has already involved specific consideration of environmental factors as part of the planning process. In particular, the issue of possible detrimental effects of increased public access on marshes and other sensitive areas of the Bay shoreline has already received considerable attention. This issue will receive further attention in the EIR process as will the effects of increased access on other uses of the Bay shoreline.

Staff Recommendation

The staff recommends that the Commission (a) approve the forgoing Brief Descriptive Summary; (b) schedule a public hearing on the draft Public Access Plan and associated Bay Plan amendments for August 3, 1978; and (c) instruct the staff to mail written notices of the hearing as required by Section 66652 of the McAteer-Petris Act, and Section 10810 of the Commissions regulations.

17 04672

PUBLIC ACCESS PLAN FOR SAN FRANCISCO BAY

LIST OF PARTIES FROM WHICH WRITTEN COMMENTS HAVE BEEN RECEIVED AS OF JULY 15, 1978

Public Agencies

Marin County

City of Larkspur
City of Tiburon
Town of Corte Madera
County of Marin Comprehensive
Planning Department
Department of Fish and Game
California Department of Parks
and Recreation

Sonoma County

Sonoma County Regional Parks

Napa County

Napa County Board of Supervisors
Napa County Conservation-Development
and Planning Department

San Mateo County

City of Brisbane
City of Burlingame
City of Foster City
City of Menlo Park
City of Millbrae
City of San Mateo
City of South San Francisco
San Mateo County Planning Department
East Palo Alto Municipal Council
Regional Planning Committee of San
Mateo County
Department of Fish and Game

Santa Clara County

Santa Clara County Planning Department
Santa Clara Valley Water District
Department of Fish and Game
Department of Navy, Facilities
Engineering Command

Solano County

City of Fairfield
Department of Parks and Recreation
City of Suisun
Suisun Resource Conservation District
Vic Fazio, Assemblymen, Fourth District

Contra Costa County

City of Concord
City of Richmond
City of Pinole
Department of Fish and Game
Contra Costa County Planning Department
Department of Navy, Facilities Engineering
Command
East Bay Regional Parks District

Alameda County

City of Albany
City of Berkeley
City of Newark
City of Union City
City of Fremont
Alameda Creek-Coyote Hills Aquatic Park
Joint Agency
East Bay Regional Parks District
Department of Navy, Facilities Engineering
Command

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Organizations

Bay Watchers
California Waterfowl Association
Californians Organized to Achieve Access to
State Tidelands (C.O.A.S.T.)
Concerned Citizens Coalition of Solano County
Endangered Species Committee of California
League of Women Voters of Southern Solano County
Marin Audubon Society
Napa County Land Trust
Save San Francisco Bay Association

Individuals

Robert C. Young (Marin County)
George P. Leonard (Sonoma County)
Michael Renslow (Solano County)
Lee Syracuse (Solano County)
Peter Kostrikin (San Mateo County)
Leola Maxwell (San Mateo County)

Businesses and Corporations

Martha Company (Marin County)
Shellmaker, Inc. (Sonoma County)
Southern Pacific Industrial Development Company (Solano County)
Chevron, U.S.A., Inc. (Contra Costa County)
Mira Vista Real Estate, Inc. (Contra Costa County)
Leslie Salt Company (Sonoma, Alameda, and San Mateo Counties)
Ideal Basic Industries (San Mateo County)

July 31, 1978

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

SUBJECT: PUBLIC ACCESS PLAN, MAINTENANCE AND SECURITY REPORT
AND BAY SHORELINE ELEMENT
(For Commission consideration on August 3, 1978)

AUG 1 1978

UNIVERSITY OF CALIFORNIA

Maintenance and Security Report ← See 78-03531

The enclosed report "Security and Maintenance: The Underside of Public Access," will be presented by the consultant, Armin Rosencranz, Ph.D., as Item 5-b on the tentative agenda. Dr. Rosencranz, a lawyer and social scientist, was retained to prepare the report as part of the Public Access Plan. The copy of the report enclosed with this mailing does not include Appendices C, D, and E. Copies of these appendices are on file at the Commission offices and will be available at the Commission meeting.

Dr. Rosencranz will brief the Commission on his findings and conclusions, and will be available to answer any questions from the Commission or the public. The enclosed report is solely the responsibility of the consultant. The staff will utilize the report in preparing the implementation element of the Public Access Plan. This element, as all others, will be the subject of future public hearings and Commission action.

Bay Shoreline Element

The staff will present a report on the Bay Shoreline (geographical) Element of the Public Access Plan as Item 5-a on the tentative agenda. Copies of the completed draft will be available at the Commission meeting. The public hearing will be opened and continued to the meeting of August 17, 1978. Copies of the completed staff draft of the Bay Shoreline Element of the Public Access Plan will be mailed after the August 3rd meeting.

77 01672
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

August 4, 1978

TO: All Commissioners and Alternates, and Interested Parties
FROM: Charles R. Roberts, Executive Director

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

SUBJECT: Staff Draft of First Element of Public Access Plan: "Bay
Shoreline Element - Preliminary Findings and Conclusions"
(For Commission consideration on August 17, 1978)

AUG 7 1978

UNIVERSITY OF CALIFORNIA

see
78 03530
→ Enclosed is the staff draft of the first element of the Public Access Plan, entitled "The Bay Shoreline Element - Preliminary Findings and Conclusions." There will be a staff presentation of the draft and a public hearing on it at the Commission meeting of August 17, 1978. The presentation and hearing were originally scheduled for the meeting of August 3, 1978, but both were postponed by the Commission because of lack of time.

This draft element is the culmination of the public access planning process begun in January, 1977. This process consisted of the preparation by the staff of tentative findings and conclusions relating to public access for nine geographical study units, which together comprised the entire shoreline of San Francisco Bay. These findings and conclusions were based on a physical inventory and analysis by the staff of the land use, natural and visual factors (resources) of the area. Each of these factors was evaluated as to its specific relationship and/or effect on public access to and along the Bay.

The tentative findings and conclusions for each area were widely distributed and presented to the public at a series of informal evening meetings between May, 1977, and June, 1978, at various locations around the Bay. Copies of the tentative findings and conclusions were also sent to Commissioners and Alternates as they were completed, most recently on July 21, 1978, when the tentative findings and conclusions for San Mateo County and the City and County of San Francisco (the last two areas) were mailed to the Commission along with a "Status Report."

This draft element represents the beginning of the next stage in the planning process. It reflects the comments made at the public meetings and comments received from a number of individuals, agencies, and organizations prior to July 15, 1978. It retains the earlier geographical organizational format. However, there is one major difference from the earlier material: to keep the draft element to a reasonable length, those tentative findings in the earlier material that did not relate specifically to a tentative conclusion on public access have been omitted. Consequently the findings in this draft for each geographical area are much less numerous than in the material distributed to and commented upon by the public between May, 1977, and July, 1978.

The draft "Bay Shoreline Element" will be followed by staff drafts of the two remaining elements: "Appearance and Design" and "Implementation." The staff draft on "Implementation" will draw on the consultant's report on security and maintenance, which was presented to the Commission at the August 3rd meeting, and the staff drafts

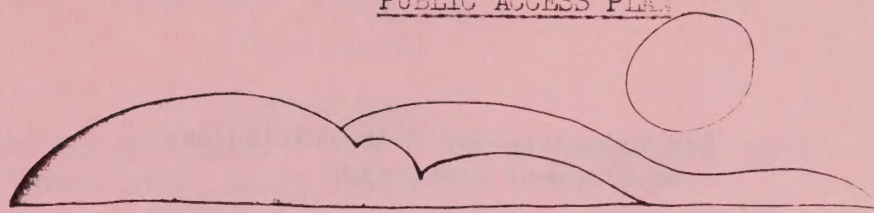
of both elements will be presented to the Commission for public hearing and further Commission consideration in September. At the conclusion of the public hearings and Commission consideration of all three elements, they will be revised, as necessary, by the staff and combined into a Preliminary Public Access Plan, which will be presented to the Commission for public hearing and consideration in the fall.

77 01672-3
COMMITTEE FOR GREEN FOOTHILLS

Peninsula Conservation Center
1176 Emerson, Palo Alto, California 94301

Phone 327-5906 or 328-5313

PUBLIC ACCESS PLAN



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Wallace Stegner

August 8, 1978

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Jean Rusmore

COORDINATOR
Jeanne Pinneo

San Francisco Bay Conservation and
Development Commission
30 Van Ness Avenue
San Francisco, California 94102

Dear Commissioners,

The Committee for Green Foothills has asked me to report to you our concern with what seems to be a lack of desire to let the public see where it has indeed access to the bay. There seems to be a growing opinion that if people don't know about parks or paths, and only the knowledgeable conservationist type know where they can go, we will prevent vandalism and illegal activity. We do not agree that this is a good or positive policy. We feel, in the work we do to preserve open space, that there are many more conscientious and dedicated open space lovers than there are abusers; to allow the few "rotten apples" in a barrel to spoil the whole barrel is a policy of poverty and lack of imagination. We urge you to consider that the more people using a path, the more visibility will be given to any activity and the less desirable will this path appear to those abusers. Also, we plead the sheer numbers of innocent citizens who do not intend to vandalize or abuse far exceeds in number the malefactors, and we think the average citizen is being denied his rights by a policy of not signing paths in a public place.

We recently have had a chance to check up on the signing of the path around Di Salvo in South San Francisco. Surely, only the people who know about the area would ever suspect a path exists. The sign is a small brown sign, hidden in the grass down below the brow of the hill, only visible if you actually drive down to Di Salvo. Who, in the general public, is going to know such a path exists, unless we get the signs up on a public street and say clearly that this is a public facility? How is BCDC going to gain support for its work among the large masses of San Mateo County if the little yellow booklet is the only way of finding out where to go if you want to look at a few shore birds? We ask you to stand up firmly for public signing of beach paths.

You will be happy to know that the Regional Planning Commission of San Mateo County recently voted to approve a Master Plan for the

(OVER)

San Mateo Bayfront. This has not been to the Supervisors yet, but it shows that the citizens are recognizing the need to tie in BCDC permits with paths and trails that lead somewhere. The BCDC study of access points has been like yeast in stirring up the dough of public opinion, and it is bubbling away.

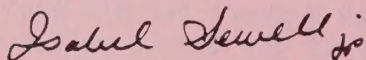
We have been disappointed to see the domination of the Burlingame bayfront by restaurants. We frankly thought your commission was going to preserve more of that frontage. When we see the lot built by Avis on the far northern strip of that land, we wonder how that can be justified in any way as water-oriented use of bayfront property. The strip left for walkers between the fences and the restaurants and the bay is rough, uneven and discontinuous. There is no sign on all those restaurant parking lots that would give you an indication that there is access to the shore. We recognize the pressures brought to bear upon you to allow commercial development of the waterfront. We want you to feel the pressures of the noncommercial people who want the waterfront to serve more than diners and out-of-town hotel users. We want a wider strip, with a few parking spots provided for the great bulk of the inland San Mateo residents, who would like to drive down and walk along the shore, and who don't particularly want to walk within inches of plate glass windows of restaurants either. There must be a law of diminishing returns in allowing ever-increasing eating places along this stretch. We suggest it has been reached, and over-reached.

We urge you to resist weakening your Visual Resources goals. It has been proven in many surveys that "driving for pleasure" is a major recreation for our citizens. There are many older people who cannot hike or bike. If we do have view spots with parking provided, there will be a few lovely spots for such a very popular activity. In recent meetings with Port of Redwood City Special Area Plan, it was obvious that insisting on maintaining viewspots for the public is not always supported by local businesses, and it puts a restriction on that area that is like a deed restriction. We approve of these restrictions, and if more publicity were given to such cases, we think many people would express themselves as to the public right to have such places preserved..

May I recap our main concerns: signing on public streets, fewer concessions to restaurants along the bayfront, and preservation of viewspots for the public.

Thank you.

Sincerely,



Isabel Sewell, Vice President
Committee for Green Foothills

cc: Regional Planning Commission, San Mateo County: Roger Chinn

AUG 30 1978

TO: All Staff and Commissioners and Alternates
FROM: George Ellman, Alternate Commissioner, Marin County
DATE: August 28, 1978
UNIVERSITY OF CALIFORNIA

SUBJECT: PUBLIC ACCESS IN INDUSTRIAL/COMMERCIAL SHORELINE AREAS, AND OTHER COMMENTS

We were sent copies of a letter to Mr. Roberts from Henry W. Simonsen, a member of an advisory board. He writes about the difficulties (new?) industry has in maintaining itself in California, before getting to what seems to be the point; that he is opposed to providing public access "around industrial plants."

Let me speak to the other side of the issue. Industry has much to gain by providing access. Primarily it gains public good will. There is hardly an industry in the Bay Area that could not stand to get some of that. This "good will" will be provided at a most modest cost. The access that I see can take several forms: the Port of Oakland has shown us several small parks on the waterfront that are reasonable substitutes for continuous shoreline paths.

I mentioned at the August 17, 1978, meeting, the overhead walkway as another alternate. In the former railroad yard in Tiburon, an overhead walkway provided superior views of the (1) bay, (2) operations of the railroad yard, and (3) the balancing act called "loading the railroad barge." As its primary function, it served to connect two areas that otherwise would have been a half to three-fourths mile walk to connect. It did this while preserving the use of the yard and protecting the public. The walkway was screened, as are many that are pedestrian overpasses above freeways.

In a similar way, the tower built by the Port of Oakland serves the purpose of providing many different kinds of views. It is, however, some distance from many of the port operations; this aspect could be avoided, if prospective developments can be considered by this Commission or its staff at early stages of planning. Access such as mentioned here, can and should be an invaluable aid to teaching school children about the Bay, industry, etc.

The point of all this, is that some changes in wording of the section on public access seem to me to be in order (Section A-2, under Findings (page 3, August 2, 1978, Draft of the Public Access Plan)). For example, the sentence "In some cases, no public access may be appropriate" should be deleted. I believe the previous sentence is enough; even with that, we are going to be "hard-pressed" to insist on access in some areas; but to offer a developer an "out" as in the above sentence, does not seem wise.

Other Comments on the Public Access Plan

Under "Conclusions," 2c and 2d seem to be in conflict. Item 2c uses the term "points on the shoreline," whereas 2d makes it clear that "points on the marsh-uplands" edge is the better place for public access, if any. The Palo Alto "baylands" access, seems to contradict the necessity for these restrictions. A brief report from our staff might clear up this uncertainty, or might make it evident that some problems in access exist.

On page 9, Item A-3 mentions an outstanding vista point in Mill Valley. I suggest that good coordination between our staff and that of the City of Mill Valley is crucial, or that hill will be covered with residences, soon.

77 01672

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557-3686

January 5, 1979 INSTITUTE OF GOVERNMENTAL
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APR 2 1979

~~D R A F T~~

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NEGATIVE DECLARATION
PUBLIC ACCESS SUPPLEMENT TO THE SAN FRANCISCO BAY PLAN

Pursuant to: The California Environmental Quality Act of 1970, and
Title 14, California Administrative Code, Div. 5, Chapt. 9

The following is the Negative Declaration for the Public Access Supplement to the San Francisco Bay Plan prepared by and for the San Francisco Bay Conservation and Development Commission (BCDC), 30 Van Ness Avenue, San Francisco, CA 94102. The full description and location of the Supplement and area involved is included in the Initial Environmental Study (IES) attached.

After due consideration of the data provided, and the conclusions reached in the Supplement it is the finding of the Executive Director of the Commission that the Public Access Supplement to the San Francisco Bay Plan will not have a significant effect on the environment.

Attachment: Initial Environmental Study

NOTE: Completed circulation through State Clearinghouse, February 15, 1979
(SCH # 79-01223)

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

10 VAN NESS AVENUE
SAN FRANCISCO, CALIFORNIA 94102
PHONE: 557-3686



January 5, 1979

INITIAL ENVIRONMENTAL STUDY - PUBLIC ACCESS SUPPLEMENT
TO THE SAN FRANCISCO BAY PLAN
(Prepared Pursuant to Sec. 15080 of the State EIR Guidelines)

1. Description of the Project. As the state agency charged with regulating development activities in and adjacent to San Francisco Bay, the San Francisco Bay Conservation and Development Commission (BCDC) is required by its own San Francisco Bay Plan and State law to achieve "maximum feasible public access, consistent with a proposed project" to the Bay through its permit process. This project consists of a comprehensive plan for public access to and along the entire shoreline of San Francisco Bay. The plan will supplement the existing Bay Plan and be known as the Public Access Supplement to the San Francisco Bay Plan.

The draft Supplement is an advisory document and consisting of three parts: The Bay Shoreline Element with maps; The Appearance and Design Element; and the Implementation Element. The completed Public Access Supplement will serve to advise the Commission, staff, applicants and other agencies on public access to and around the Bay. The Implementation Element contains a number of recommendations for changes to existing State Law and regulations, which, if enacted, would provide additional methods for achieving and safeguarding public access to the Bay. In addition, the completed draft contains proposed amendments to the Bay Plan Policies on Public Access, Appearance and Design, and Scenic Views, based on the findings and conclusions of the Supplement, which would further strengthen the Commission's role of providing public access to the Bay. None of the areas designated in the Supplement would become public access without separate action by the Commission or another agency.

2. Identification of the Environmental Setting. Since the Supplement covers the entire San Francisco Bay system from Land's End and Pt. Bonita to West Pittsburg, the natural setting is as various as the Bay shoreline itself consisting of open water, beaches, bluffs, mudflats, tidal marshes, rocky outcrops, salt ponds, managed wetlands, and other estuarine-type areas. In the urban areas of the central Bay, the setting has been diked, filled and modified extensively by various commercial, port, and industrial developments resulting in a shoreline characterized by rip rap banks, bulkheads, wharves, finger piers and other similar types of "altered" shoreline.
3. Identification of the Environmental Effects. The majority of the plan's conclusions and recommendations are advisory only, therefore, its environmental effect cannot be fully ascertained at this time. Undoubtedly, public access to certain parts of the shoreline will cause

some increased congestion and will affect the habitat of certain species of flora and fauna. However, the provision of additional public access to the shoreline may relieve some of the pressure and congestion on existing park and recreation areas, particularly in urban areas. Overall, the Supplement will not have a significant impact on the environment.

4. Mitigation of Significant Effects. The findings of the Supplement point out the adverse impacts of uncontrolled public access to or adjacent to certain sensitive habitat areas. In order to mitigate these impacts, the Supplement concludes that public access to these areas should only be provided under the careful supervision of a responsible agency or organization. In addition, the plan process of first inventorying the shoreline and then analyzing its sensitivity to public access has already mitigated the bulk of any significant impact by generally designating only those areas that can withstand public access. For instance, the sensitive habitat areas of the more timid species were, for the most part, not designated. Furthermore, in developing the final draft, the staff met with the various agencies having interest or jurisdiction over the shoreline, and then held public meetings to receive comments. As result of these forums, the staff believes the final document will have generally mitigated any adverse effects that might have otherwise resulted. For example, the meetings with representatives of the State Department of Fish and Game, U. S. Fish and Wildlife Service, Suisun Resource Conservation District, California Waterfowl Association, property owners and other interested in the Suisun Marsh area resulted in a substantial reduction in the number of public access sites designated in the draft plan in order to mitigate potential adverse effects on the wildlife habitat.
5. Conformance with Existing Zoning and Plans. As noted in item #4 above, the staff met with various agencies around the Bay during the development of the plan. These meetings and written comments and subsequent revisions have assured compatibility with existing zoning and plans.
6. Initial Study Prepared By: Kent E. Watson, Project Director, Public Access Project; Staff Design Analyst/Landscape Architect; BCDC, 30 Van Ness Avenue, San Francisco 94102; (415) 557-3686; ATSS 8-597-3686.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

January 19, 1979

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

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SUBJECT: PROPOSED BAY PLAN AMENDMENTS TO: FINDINGS AND POLICIES ON PUBLIC
ACCESS, APPEARANCE AND DESIGN, AND SCENIC VIEWS; AND PORTIONS OF
PART V. (PART OF THE IMPLEMENTATION ELEMENT OF THE PUBLIC ACCESS
SUPPLEMENT OF THE BAY PLAN)

JAN 25 1979

UNIVERSITY OF CALIFORNIA

(For Commission consideration on February 1, 1979)

Enclosed is the staff draft of the proposed amendments to the Bay Plan Findings and Policies on Public Access, Appearance and Design, Scenic Views, and portions of Part V. There will be a staff presentation of the draft and a public hearing on it at the Commission meeting of February 1, 1979. The Commission approved the Brief Descriptive Summary for these amendments on June 15, 1978.

Background. These amendments are a product of the public access planning process begun in January, 1977. This process consisted of the preparation by the staff of tentative findings and conclusions relating to public access for nine geographical study units, which together embrace the entire shoreline of San Francisco Bay.

After a series of public meetings, these tentative findings and conclusions were assembled into the first complete element of the Public Access Supplement, "The Bay Shoreline Element," which was presented to the Commission on August 17, 1978.

A second element, "Appearance and Design Element," including the Public Access Design Guidelines, was presented to the Commission on October 19, 1978.

Bay Plan Amendments. Although technically part of the third element on implementation, these proposed amendments to the Bay Plan are being presented separately and prior to that element in order to allow sufficient time for public comment and discussion. The amendments are derived from all of the staff work and experience, and the consultants reports developed to date, as well as the comments from various agencies and the public in our many meetings around the Bay.

Completion of Public Access Supplement. The completed Public Access Supplement will consist of the "Bay Shoreline Element," "Appearance and Design Element," and an "Implementation Element," which will draw largely on the consultant's report on security and maintenance. The implementation element will also provide some additional background regarding techniques that might be explored to generally improve public access the the Bay. This element will be presented to the Commission on February 15, 1979.

As result of the public hearings and comments, it is planned that the various elements will be revised and submitted to the Commission as the final completed draft of the Public Access Supplement, including these amendments,

on March 1, 1979. Included with that package will be the draft Negative Declaration which is now being circulated through the State Clearinghouse.

Recommendation. The staff recommends that the public hearing on these proposed amendments to the Bay Plan be continued through the meeting of February 15, 1979; and that written comments on the amendments be accepted through February 23, 1979.

January 19, 1979

PUBLIC ACCESS SUPPLEMENT TO THE SAN FRANCISCO BAY PLAN

PROPOSED BAY PLAN AMENDMENTS TO: FINDINGS AND POLICIES ON
PUBLIC ACCESS, APPEARANCE & DESIGN, AND SCENIC VIEWS;
AND PORTIONS OF PART V

INTRODUCTION

As the state agency responsible for regulating development activities in and adjacent to San Francisco Bay, the San Francisco Bay Conservation and Development Commission (BCDC) is guided in its decisions by two important documents: the McAteer-Petris Act, the state law that originally established the BCDC in 1965; and the San Francisco Bay Plan, the Commission's comprehensive plan incorporated into the law in 1969. In its findings and policies, the Bay Plan clearly emphasized the need for greater public use and appreciation of the region's most valuable resource - San Francisco Bay. One of the plan's most important policies - and since 1969 a requirement of the BCDC law - is that "maximum feasible public access, consistent with a proposed project," to the Bay must be provided in any project requiring a BCDC permit.

Background. The nature of the development process is such that at any one time only portions of the shoreline are being developed or changed so as to require a BCDC permit. Public access obtained on a permit-by-permit basis is thus often discontinuous and sometimes unrelated to information about land uses or other factors beyond the scope of the immediate project. The need, therefore, has been to develop comprehensive policies and guidelines for public access around the Bay to assist both applicants and the Commission in better satisfying public access needs, especially when permits are sought. Acting on the recommendation of two earlier staff reports, on January 20, 1977, the Commission authorized the staff to proceed with public access planning.

Supplement Goals. The overriding goal of the Supplement is to improve implementation of the Commission's policy of providing maximum feasible public access to the Bay. The Supplement will thus assist the Commission in making public access decisions through the permit process. An important secondary goal of the plan is the encouragement and support of local park and open space agencies in their plans for acquisition and development of important shoreline sites.

Specifically, the completed Public Access Supplement will: (1) serve as a comprehensive advisory guide to the Commission and other interested parties in providing for and maintaining shoreline public access; (2) recommend amendments and additions to certain of the Bay Plan's Findings and Policies on Public Access, Appearance and Design, and Scenic Views to reflect the experience of the Commission and the results of the public access planning efforts; (3) provide a separate manual of public access design guidelines for project developers and designers as recommended by Public Access Policy No. 9 of the Bay Plan; and (4) recommend changes to existing legal and institutional provisions to allow local governments and other agencies to emphasize public access and shoreline appearance and design issues when projects are reviewed and approved by local governments.

Supplement Format. The Public Access Supplement will consist of three Elements. The first element, the "Bay Shoreline" was presented to the Commission on August 17, 1978. The second element on "Appearance and Design" was presented on October 19, 1978. The third element on implementation will be presented February 15, 1979.

The Proposed Bay Plan Amendments. These proposed amendments to the Findings and Policies on Public Access, Appearance and Design, and Scenic Views, and portions of Part V, although part of the Implementation Element of the Supplement, are being presented separately and prior to it in order to allow ample time for comment and discussion. They are derived primarily from the two previous elements, the staff's permit experience, and consultants reports, as well as the comments from various agencies and the public in our many meetings around the Bay. These amendments consist primarily of revisions to and a restructuring of the Public Access section, and revisions to and merging of the sections on Appearance and Design, and Scenic Views. The changes to Part V are necessitated by the proposed merging of the latter two sections.

The following amendments are listed in the sequence found on Pages 29 through 33, and pages 36 and 37 of the Bay Plan. The existing language is the same as approved by the Commission for the Bay Plan reprinting project. Existing, proposed, and deleted language is shown as follows:

xxxxxxxxxx = Existing language, to remain
xxxxxxxxxx = Proposed new language
{(xxxxxx)} = Existing language, to be deleted

Because of the insertion of new or revised material, some of the findings or policies will not have the same letter or number. For example, existing Public Access Policy b. is proposed, with revisions, to become Policy c.; therefore, the policy is identified in the text thusly: c. {(b.)}. Parenthetical notes indicate the several existing policies on Scenic Views which have been merged into the new Appearance, Design, and Scenic Views section.

PUBLIC ACCESS

Findings

a. San Francisco Bay is one of the most dominant features of the nine county Bay Area. It ~~((has great potential))~~ provides an environment for numerous forms of public enjoyment including viewing, photography, nature study, fishing, wading, ~~((and))~~ walking, bicycling, and jogging, or just sitting beside the water. As an outstanding visual resource, the Bay is an important focal point for the entire region that serves to orient people to its various parts.

b. Public access required by the Commission usually consists of pedestrian access to and along the shoreline and beaches of San Francisco Bay. It may include certain improvements, such as paving, landscaping, and street furniture; and it may allow for additional uses, such as bicycling, fishing, picnicking, etc. Visual access to the Bay is a critical part of public access. The Design Review Board was formed in 1970 of professional designers to advise the Commission on the adequacy of public access of proposed projects in accordance with the Bay Plan.

c. ~~((b.))~~ Although public access to the approximately -mile Bay shoreline has increased significantly since the adoption of the Bay Plan in 1968, there is still only a small part of the shoreline open to the public. ~~((Until recently, there were few points of public access in the entire 276-mile Bay shoreline. While many communities have recently taken new looks at their waterfronts and have proposed new points of public access to the Bay,))~~ The full potential for access to the Bay, particularly along urban waterfronts, has by no means yet been reached.

d. ~~((c.))~~ Public agencies have contributed to improved Bay access by providing a substantial number of the parks shown in the Bay Plan maps. In addition, many agencies and communities continue to examine the waterfronts in their jurisdictions and have proposed new points of public access to the Bay. ~~((The public parks proposed in the Bay Plan will not all be built in the near future, and even if all were completed immediately, there would still be only a small part of the shoreline open to the public.))~~ However, other demands for governmental services will necessarily limit funds for the provision of shoreline access by these agencies. Clearly, additional public access to the Bay is needed, and this can be provided, in part at least, by private capital in a wide variety of shoreline developments.

e. Although opportunities for views of the Bay from public access areas have increased since the Bay Plan was adopted in 1968, there are still a significant number of shoreline areas where there exists little or no visual access to the Bay.

f. Public access areas obtained through the permit process are most utilized if they provide physical access, provide connections to public rights-of-way, are related to adjacent uses, are designed, improved and maintained to clearly indicate their public character, and provide visual access to the Bay.

g. In some rare cases, certain uses may unduly conflict with accompanying public access. For example, uncontrolled public access may detract from the quality of sensitive wildlife areas, or some port or water-related industrial activities may pose a substantial hazard to public access users.

Policies

1. In addition to the public access to the Bay ~~((that will be))~~ provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible ~~((opportunity for pedestrian))~~ access to and along the waterfront and on any permitted fills should be ~~((included))~~ provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, or other use, except in cases where public access is clearly inconsistent with the project because of public safety considerations or significant use conflicts. In these cases, access at other locations, preferably near the project, should be provided whenever feasible. ~~((If no such access can reasonably be provided, the development should not be allowed on the waterfront unless it must of necessity be there (i.e., unless it is an industry requiring access to deep water, a shipping terminal, etc.)).))~~

2. Public access ~~((should be provided into))~~ to some "natural" areas ~~((retained as ecological assets,))~~ should be provided to permit study and enjoyment of these areas (e.g., by boardwalks or piers in or adjacent to some sloughs or marshes). However, some wildlife habitats may be sensitive to human intrusion. For this reason, projects in such areas should be carefully evaluated in consultation with appropriate agencies to determine the appropriate type of access to be provided.

~~((3. Any permitted fills should be designed to produce a net increase in the amount of shoreline, so as to provide additional public access to the Bay.))~~

3. ~~((4.))~~ Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed. This should be done wherever appropriate by requiring dedication of fee title or easements at no cost to the public, in the same manner that streets, park sites, and school sites are dedicated to the public as part of the subdivision process in cities and counties.

4. Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, and should be identified with appropriate signs.

5. ~~((7.))~~ In some areas ~~((shoreline projects))~~, a small amount of fill may be allowed if the fill is necessary--and is the minimum absolutely

required--to develop the project ~~((site))~~ in accordance with the Commission's public access requirements.

6. Access to the waterfront should be provided by walkways, ~~((tramway))~~ trails, ~~((etc., if adjacent parking is not feasible or desirable))~~ or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available.

7. ~~((5.))~~ Roads near the edge of the water should be designed as scenic parkways for slow-moving, principally recreational, traffic. The roadway and right-of-way design should maintain and enhance visual access for the traveler, discourage through traffic, and provide for safe, separated, and improved physical ~~((pedestrian))~~ access to and along the shore. Public transit use and connections to the shoreline should be encouraged where appropriate.

8. Federal, state, regional and local jurisdictions, special districts, and the Commission should cooperate to provide new public access, especially to link the entire series of shoreline parks and existing public access areas ~~((points))~~ to the extent feasible without additional Bay filling. ~~((Many types of connection can be employed, such as scenic drives, hiking paths, and a system of inland waterways.))~~ State, regional and local agencies that approve projects should assure that provisions for public access to and along the shoreline are included as conditions of approval, and that the access is consistent with the Commission's requirements.

9. ~~((The Commission should issue more detailed standards and criteria to carry out the intent of the above policies on public access to the Bay, and should publish a manual to guide developers and designers, including examples of various ways of meeting the policies, with due consideration to costs and to practical problems of maintenance, public liability, and policing.))~~ The Public Access Supplement to the Bay Plan should be used as a guide in determining whether a project provides maximum feasible public access. The Design Review Board should advise the Commission regarding the adequacy of the public access proposed.

APPEARANCE, ~~((&))~~ DESIGN, & SCENIC VIEWS

Findings

- a. Much too often, shoreline developments have not taken advantage of the magnificent setting provided by the Bay. Some shoreline developments are of poor quality or are inappropriate to a waterfront location. These include uses such as parking lots and some industrial structures, which neither visually complement the Bay nor take advantage of a waterfront location. Over time, existing shoreline development of poor quality and inappropriate uses will ~~((could))~~ be phased out or up-graded by normal market forces and by public action, or by a combination of both.
- b. ~~((Collections of))~~ Unsightly debris, such as plastic bottles, old tires, and other refuse continues to ~~((sometimes))~~ mar the appearance of the shoreline, particularly of marshes, mudflats, and sloughs.
- c. The appearance of the Bay, and people's ~~((man's))~~ enjoyment of it as a scenic resource, contribute to the enjoyment of daily life in the Bay Area. As a special kind of open space, the Bay acts as both the unifying element of the entire Bay region and as a physical divider of its parts. The wide surface of the Bay, and the distant vistas it affords, offer relief from the crowded, often chaotic, urbanized scene and help to create a sense of psychological well-being.

~~((SCENIC VIEWS))~~

~~((Findings.))~~

- d. ~~((a.))~~ Probably the most widely enjoyed "use" of the Bay is simply viewing it--from the shoreline and from afar. One indicator: a Bay view can add ~~((8 to 10 per cent))~~ substantially to the value of a home, office, or apartment building in San Francisco. ~~((And there is little question))~~ Also, the Bay is a major visitor attraction for the tourist industry.
- e. ~~((b.))~~ As a world-renown scenic resource, the Bay is viewed and appreciated from many locations in the region. However, ~~((But))~~ full advantage has not been taken of the dramatic view potential from the hills and other inland locations surrounding the Bay, often because of poor road and street layout and poorly located buildings or landscaping ~~((plantings))~~. ~~((There are some local zoning))~~ While some jurisdictions have adopted controls on building heights and locations ~~((but))~~, there is still no general attention to maximizing views from streets and roads and to obtaining public view areas. In particular, along many urban waterfronts, man-made obstructions such as buildings, parking lots, fences, billboards and even landscaping have eliminated or severely diminished views of the Bay.

Policies

1. To enhance the visual quality of development around the Bay and to take maximum advantage of the attractive setting it provides, the shores of the Bay should be developed in accordance with the ~~((Bay Plan's General Development Guide (Appendix A)))~~ Public Access Design Guidelines.

2. All Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay, especially from public areas (Note: Formerly Policy 1, Scenic Views). To this end, planning of waterfront development should include participation by professionals such as landscape architects, urban designers, or architects, working in conjunction with engineers and professionals in other fields.

3. ~~((12.))~~ In some areas ~~((shoreline projects))~~, a small amount of fill may be allowed if the fill is necessary--and is the minimum absolutely required--to develop the project ~~((site))~~ in accordance with the Commission's design recommendations.

4. Structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to visually impact on the Bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and Bay viewing may be allowed in exposed locations.

5. ~~((3.))~~ To enhance the maritime atmosphere of the Bay Area, ports should be designed, whenever feasible, to permit public viewing of port activities by means of (a) view points (e.g., piers, platforms, or towers), restaurants, etc., that would not interfere with port operations, and (b) openings between buildings and other site designs that permit views from nearby roads.

6. ~~((5.))~~ Additional surface crossings of the Bay should be avoided, to the extent possible, to preserve the visual impact of the large expanse of the Bay. The design of new crossings deemed necessary should relate to others nearby and should be located ~~((respect the fact that the Bay consists of a series of natural "bowls" that are "closed" at each end by a constriction. The crossing should be placed whenever feasible at such "ends"))~~ between promontories or other land forms that naturally suggest themselves as connections reaching across the Bay (but without destroying the obvious character of the promontory). ~~((To the extent possible, crossings should also be of one "family" of structural types (e.g., all might be suspension bridges.))~~ New or remodeled bridges across the Bay should be designed to permit maximum viewing of the Bay and its surroundings by both motorists and pedestrians. Guard rails and bridge supports should be designed with views in mind (Note: New language formerly Policy 6, Scenic Views).

7. ~~((6.))~~ Access routes to Bay crossings should be designed so as to ~~((in a manner that))~~ orient~~((s))~~ the traveler ~~((to his new direction of movement in relation))~~ to the Bay ~~((water))~~ (as in the main approaches to the Golden Gate Bridge). Similar consideration should be given to the design of

highway and mass transit routes paralleling the Bay ~~((at any elevation))~~ (by providing frequent views of the Bay ~~((or by having turns toward or away from the water made in sight of the water))~~), if possible, so the traveler knows which way he is moving in relation to the Bay). Guardrails, fences, landscaping, and other structures related to such routes should be designed and located so as maintain and to take advantage of Bay views. New or rebuilt roads in the hills above the Bay and in areas along the shores of the Bay should be constructed as scenic parkways in order to take full advantage of the commanding views of the Bay (Note: New language, as revised, formerly Policy 5, Scenic Views).

8. ~~((7.))~~ Shoreline developments should be built in clusters, leaving open area around them, to permit more frequent views of the Bay (Note: Formerly Policy 2, Scenic Views). Developments along the shores ~~((near the mouth))~~ of tributary waterways should be Bay-related and should be designed to preserve and enhance views along ~~((the view of the juncture of the tributary with the Bay from as far upstream as the alignment of))~~ the waterway ~~((will permit))~~, so as to provide ~~((preserve))~~ maximum visual contact with the Bay. ~~((Developments farther upstream, beyond the view of a tributary's mouth, should be used for purposes related to the Bay, if at all possible (e.g., marina and boat service facilities or private docks, on navigable tributaries).))~~

9. "Unnatural" debris should be removed from sloughs, marshes, and mudflats that are retained as part of the ecological system. Sloughs, marshes, and mudflats should be restored to their former "natural" state if they have been despoiled by human activities.

10. ~~((4.))~~ Towers, bridges, or other structures near or over the Bay should be designed as landmarks that suggest the location of the waterfront when it is not visible, especially in flat areas. But such landmarks should be low enough to assure the continued visual dominance of the hills around the Bay.

11. ~~((8.))~~ In areas of the Bay where oil and gas drilling or production platforms are permitted, they ~~((only the minimum number of platforms necessary to recover the oil or gas should be permitted, and platforms and structures on them should be no larger than necessary. All platforms and equipment on them))~~ should be treated ~~((painted))~~ or screened so they will be compatible with the surrounding open water, mudflat, marsh, or shore area.

12. ~~((10.))~~ The Commission's Design Review Board, composed of design and planning professionals, should review, ~~((A design review system is needed to))~~ evaluate and advise the Commission on the proposed design of developments that affect the appearance of the Bay. ~~((The system must have sufficient standing and influence to make it effective. Initially, (a) city and county governments, and all affected regional, state and federal agencies, should use the General Development Guide (Appendix A) for affected developments, and (b) a regional Design Review Board should review the proposed design of all projects and strive for a high level of design quality.))~~ In order to achieve a high level of design quality, the Board and all affected city, county,

regional, state, and federal agencies should be guided in their evaluation of Bay-front projects by the Bay Plan findings and policies on Public Access, Appearance and Design, and Scenic Views; the General Development Guide ; and the Public Access Design Guidelines. ~~((Subsequently, the Commission might by ordinance adopt basic design controls upon recommendation of the Design Review Board.))~~

13. ~~((11.))~~ Local governments should be encouraged to eliminate inappropriate shoreline uses and poor quality shoreline conditions by regulation and by public actions (including development financed wholly or partly by public funds). The Commission should assist in this regard to the maximum feasible extent by providing advice on Bay-related appearance and design issues, and by coordinating the activities of the various agencies that may be involved with projects affecting the Bay and its appearance. ~~((If local governments do not achieve this, the Commission should be able to take such actions, including financing development wholly or partly from funds at its disposal.))~~

~~((SCENIC VIEWS))~~

~~((Policies))~~

~~((1. Maximum efforts should be made to provide, enhance, or preserve views of the Bay, especially from public areas.))~~ (Note: As revised, becomes part of Policy 2)

~~((2. Shoreline developments should be built in clusters, leaving open area around them, to permit more frequent views of the Bay.))~~ (Note: Becomes part of Policy 8)

14. ~~((3.))~~ Views of the Bay from vista points, ~~((and))~~ from roads, and from other areas should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water. In this regard, particular attention should be given to all ~~((areas as))~~ waterfront locations, areas below vista points, and areas along roads that provide good views of the Bay for travelers, particularly areas below roads coming over ridges and providing a "first view" of the Bay (shown in Plan Map 2, Proposed Major Uses of the Bay and Shoreline).

15. ~~((4.))~~ Vista points should be provided in the general locations indicated in the Plan maps. Access to vista points should be provided by walkways, trails, ~~((tramway, etc., if adjacent parking is not feasible or desirable))~~ or other appropriate means and connect to the nearest public thoroughfare where parking or public transportation is available. In some cases, exhibits, museums, or markers would be desirable at vista points to explain the value or importance of the areas being viewed.

~~((5. Scenic parkways commanding views of the Bay should generally be encouraged in the hills above the Bay and in areas along the shores of the Bay.))~~ (Note: Revised, becomes part of Policy 7)

~~((6. New or remodeled bridges across the Bay should be designed to permit maximum viewing of the Bay and its surroundings by both motorists and pedestrians. Guard rails and bridge supports should be designed with views in mind.))~~ (Note: Becomes part of Policy 6)

Part V
Carrying Out
the Bay Plan

1. Permit Procedures for Filling and Dredging

g. Appearance. Plans for a proposed fill project should be submitted to the Design Review Board appointed by the Commission and consisting of professionals in the fields of urban design, architecture, and landscape architecture. The Design Review Board should determine whether the proposed project is in accordance with the policies for Appearance, ~~((and))~~ Design, and Scenic Views of the Bay and shoreline (page __), and should report its recommendations to the Commission before the permit is issued. The jurisdiction over appearance and design is advisory, and the Commission encourages local governing bodies to exercise their controls in accordance with the Commission's policies on Appearance, ~~((and))~~ Design, and Scenic Views, and the Design Review Board's recommendations.

2. Purposes for Which a Permit May be Issued

c. Appearance. The Commission has appointed a Design Review Board made up of representatives of the design professions including architecture, landscape architecture and engineering. The Board reviews and makes recommendations to the Commission on the appearance and design of proposed projects, evaluating them in the light of the policies for Appearance, ~~((and))~~ Design, and Scenic Views on page __. Its recommendations are advisory only and are not of themselves grounds for denying a permit.

ALMONTE DISTRICT IMPROVEMENT CLUB

Incorporated

105 Wisteria Way, Mill Valley, CA 94941

RECEIVED
FEB 21 1979SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

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February 19, 1979

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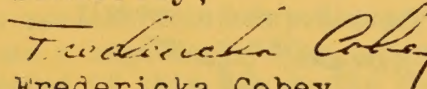
TO: Bay Conservation and Development Commission
 FROM: Almonte District Improvement Club

Subject: Proposed Bay Plan amendments to: Findings and policies
 on public access, appearance and design, and scenic views;
 and portions of part V.

The Almonte District Improvement Club would like to make the
 following observations and suggestions:

1. Page 4, point 4: we believe the Pickleweek Project does not conform to the requirement to provide "movement to and along the shoreline...barrier-free access".
 In addition we urge that a bike/hike path which is elevated and separate from the arterial roadway (Miller Ave.) be built. At present Miller Ave. is not safe for pedestrians and bikers, especially at night.
2. Page 5, point 7: we suggest the following addition:
Parking along roads should be next to auto lanes with bike/hike paths adjacent to Bay or marsh.
3. Page 6, point a: we suggest the following addition after "parking lots and some industrial structures": high density housing communities or high-use commercial centers.
4. Page 8, point 8: we support this point (Shoreline developments should be build in clusters, leaving open area around them, to permit more frequent views of the Bay). We believe that Pickleweed, Eucalyptus Knolls, and Pinecrest Manor (Almonte Overlook) do not conform.
5. Page 9, point 15: we support this point (Vista points should be provided in the general locations indicated in the Plan maps). We believe that the development Pinecrest Manor (Almonte Overlook) which is now being proposed with dense housing, does not comply with the TAM Community Area Plan.

Sincerely,



Fredericka Cobey
 Secretary, ADIC

118 Highland Lane
Mill Valley, CA 94941
February 15, 1979

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Commissioners and Alternates
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue
San Francisco, CA 94102

RECEIVED
FEB 20 1979

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Dear Commissioners:

Re: 10. Continuation of Public Hearing on Public Access Supplement

Thank you for your continuing efforts to balance growth interests in the Bay communities with regulatory planning and permit processes protective of lands adjoining marsh and bays.

My comments to add to your draft revisions of staff are the outcome of citizen participation - and observation - of recent project submissions in Southern Marin County: (ADDITIONS SUGGESTED)

- p. 3 "Findings b ... Additional uses, such as bicycling fishing EDUCATIONAL KIOSKS OR STUDY AREAS, picnicing ..." (in support of testimony given 2/15/79 earlier by Mrs. Jean Malis Nooney; to underscore water education needs)
- p. 4, "g. ... "water-related industrial activities or CIRCULATION HAZARDS FROM TRAFFIC TO AND THROUGH HIGH DENSITY HOUSING, COMPLEXES, COMMERCIAL OR PROFESSIONAL CENTERS. ..."
- p. 5 "7 ... to and the shore. ANY ROADSIDE PARKING SHALL BE ON THE INLAND SIDE OF PUBLIC PATHS AND BIKEWAYS ADJOINING MARSH OR BAYS. (In our commuter Almonte area water-side parking between bike/roadway is hazardous; blocks views).
- p. 6 "Findings ... parking lots, COMMERCIAL AND PROFESSIONAL CENTERS AND HOUSING COMPLEXES ..."
- p. 7 "6. ... should be avoided IF AN ALTERNATE UPLAND ROAD IS FEASIBLE, and ..."

These suggestions would assist the public positions of safety, generally, and also identify the developments proposed increasingly in suburban areas of San Francisco Bay.

Thank you and sincerely,

Margaret Zegart
Margaret Zegart

Liason Planner
Almonte District Improvement Club

ISABEL SEWELL
399 MENLO OAKS DRIVE
MENLO PARK, CALIFORNIA 94025

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RECEIVED
January 30 1979
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BCDC
30 Van Ness Ave.
San Francisco CA 94102

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

Dear Mr Roberts:

I am completely in agreement with the Proposed Bay Plan Amendments to Findings and Policies on Public access....etc. for commission consideration on Feb 1, 1979.

I write to support the protection of the visual character of our waterfront by these policies. They are long overdue.

Just two weeks ago I drove by So San Francisco and looked at the public access by De vizenzi. Bethlehem Steel was going to ask the city of So S F. To put a sign up on the main Oyster Pt Blvd. rather than the illegible, hard-to-find little sign down by the parking lot. No one aware of driving on a public road, such as Oyster Pt Blvd. would know there was an access pt nearby. I was sorry to see that no progress has been made since last year.

One of the prickly problems we ran into when talking with Bethlehem was the maintenance of the access area. I do not see that mentioned in your policies. It seems to me that we do have to find an appropriate agency to haul away trash, reseed, re-pave from time to time, and I think that we naturally think of the city or county park and rec dep't as being the logical choice. At this time those departments do not want additional duties; is there a way that they might be reimbursed from state Park and Rec dp't funds,---after all the public access place is like a state park in miniature, and was brought into effect through state-wide action.

I have another comment to make. Some time ago the Bren subdivision in Redwood City was approved as having a public access to Steinberger slough. At this time there is no sign, and the only access is an unpaved muddy half a lot, between two houses. Shouldn't there be some restrictions as time so that a city doesn't lag too long in providing for these public amenities? I would think it would be reasonable to expect the local entity to put up its sign and pathway within one year from date of building permit grant.

I am conscious that many of the streets in Redwood Shores are private. Is this any threat to future access; is there any legal way that a private road may be closed, thus cutting off our public access? Should BCDC not consider having public access from a public road?

I walked out Redwood Peninsula this week to see the South Bay Sewage Treatment Plant. Just some 500 yards west of the tip there was a sign forbidding entry and stating public access was no longer allowed. I wondered if this was due to construction work and was for public safety reasons, which of course, I could understand. When one walks out along Steinberger slough, the best part is really the shoreline right on the open bay out beyond the sewage treatment plant. It should run contiguous with the public path along the slough, shouldn't it?

Many congratulations on drawing up Public Access Plans. I hope they will be adopted on Feb. 1.

Isabel Sewell

February 20, 1979

FEB 22 1979

TO: All Commissioners and Alternates, and Interested Parties
FROM: Charles R. Roberts, Executive Director

UNIVERSITY OF CALIFORNIA

SUBJECT: Staff Draft of Third Element of the Public Access Supplement to the Bay Plan: "Implementation Element - Preliminary Findings, Conclusions & Proposed Bay Plan Amendments."
(For Commission consideration on March 1, 1979)

Enclosed is the staff draft of the third element of the Public Access Plan, entitled "Implementation Element - Preliminary Findings, Conclusions, & Proposed Bay Plan Amendments." There will be a staff presentation of the draft and a public hearing on it at the Commission meeting of March 1, 1979.

Background. This element is a product of the public access planning process begun in January, 1977. This process consisted of the preparation by the staff of tentative findings and conclusions relating to public access for nine geographical study units, which together embrace the entire shoreline of San Francisco Bay.

After a series of public meetings, these tentative findings and conclusions were assembled into the first complete element of the Public Access Supplement, "The Bay Shoreline Element," which was presented to the Commission on August 27, 1978.

A second element, "Appearance and Design Element," including the Public Access Design Guidelines, was presented to the Commission on October 19, 1978.

The Proposed Bay Plan Amendments, although technically part of this element, have been presented separately and prior to this element in order to allow sufficient time for public comment and discussion.

Implementation Element. This draft element is based largely on the consultant's report on security and maintenance, as well as all of the previous public access planning reports. It provides additional background regarding techniques that might be further explored to improve generally public access to the Bay.

Completion of Public Access Supplement. The completed Public Access Supplement will consist of the "Bay Shoreline Element," "Appearance and Design Element," and this "Implementation Element."

As result of the public hearings and comments, it is planned that the various elements will be revised and submitted to the Commission as the final completed draft of the Public Access Supplement, on March 15, 1979. Included with that package will be the draft Negative Declaration which is now being circulated through the State Clearinghouse.

Recommendation. The staff recommends that the public hearing on the element be held at the meeting of March 1, 1979.

February 20, 1979

PUBLIC ACCESS SUPPLEMENT TO THE SAN FRANCISCO BAY PLAN

IMPLEMENTATION ELEMENT

Preliminary Findings, Conclusions and
Proposed Bay Plan Amendments

INTRODUCTION TO THE
PUBLIC ACCESS SUPPLEMENT

As the state agency responsible for regulating development activities in and adjacent to San Francisco Bay, the San Francisco Bay Conservation and Development Commission (BCDC) is guided in its decisions by two important documents: the McAteer-Petris Act, the state law that originally established the BCDC in 1965; and the San Francisco Bay Plan, the Commission's comprehensive plan incorporated into the law in 1969. In its findings and policies, the Bay Plan clearly emphasized the need for greater public use and appreciation of the region's most valuable resource - San Francisco Bay. One of the plan's most important policies - and since 1969 a requirement of the BCDC law - is that "maximum feasible public access, consistent with a proposed project," to the Bay must be provided in any project requiring a BCDC permit.

The Need for the Supplement. The nature of the development process is such that at any one time only portions of the shoreline are being developed or changed so as to require a BCDC permit. Public access obtained on a permit-by-permit basis is thus often discontinuous and sometimes unrelated to information about land uses or other factors beyond the scope of the immediate project. The need, therefore, has been to develop comprehensive policies and guidelines for public access around the Bay to assist both applicants and the Commission in better satisfying public access needs, especially when permits are sought. Acting on the recommendation of two earlier staff reports, on January 20, 1977, the Commission authorized the staff to proceed with public access planning.

Supplement Goals. The overriding goal of the Supplement is to improve implementation of the Commission's policy of providing maximum feasible public access to the Bay. The Supplement will thus assist the Commission in making public access decisions through the permit process. An important secondary goal of the plan is the encouragement and support of local park and open space agencies in their plans for acquisition and development of important shoreline sites.

Specifically, the completed Public Access Supplement will: (1) serve as a comprehensive advisory guide to the Commission and other interested parties in providing for and maintaining shoreline public access; (2) recommend

amendments and additions to certain of the Bay Plan's Findings and Policies on Public Access, Appearance and Design, and Scenic Views to reflect the experience of the Commission and the results of the public access planning efforts; (3) provide a separate manual of public access design guidelines for project developers and designers as recommended by Public Access Policy No. 9 of the Bay Plan; and (4) recommend changes to existing legal and institutional provisions to allow local governments and other agencies to emphasize public access and shoreline appearance and design issues when projects are reviewed and approved by local governments.

Supplement Format. The Public Access Supplement will consist of three Elements. The first element, the "Bay Shoreline" was presented to the Commission on August 17, 1978. The second element on "Appearance and Design" was presented on October 19, 1978. This element on implementation will be presented March 1, 1979.

Background: The Commission's Public Access Role. Since obtaining shoreline band jurisdiction on November 10, 1969, the Commission has, through the permit process, required that _____ miles of shoreline be set aside for public access. This figure does not include those public park projects that required a BCDC permit, but that would have probably provided shoreline access regardless of BCDC. A minor portion, approximately _____%, of these public access permits were to non-park and recreation agencies, such as flood control districts, public works departments, etc., which would not normally provide public access. On the basis of these rough data, it is clear that the public access requirements of the BCDC permit process have been responsible for providing increased and improved public access to the Bay.

The concept of public access, either as a design element or functional activity, had not been defined in 1969. Both the staff and applicants learned through experience that public access is essentially free pedestrian access, usually from a public thoroughfare, to and along the San Francisco Bay shoreline above the highest tide. As a result of conditions in a BCDC permit, public access is often on private land; it may include certain improvements, such as paving, landscaping, and street furniture; it may be subject to certain rules regarding use; and it may allow for additional uses, such as biking, fishing, picnicking, etc.

As result of increased public awareness, previous staff reports on public access, and the printing and distribution of the Public Access and Recreation Areas directory in 1976, there is a greater knowledge and understanding of the concept of and need for public access to the Bay. Indeed, as the public agency charged with overseeing development activities in and adjacent to the Bay, the Commission has an obligation to continue to inform the public with regard to the importance and status of public access to the Bay. However, as noted in the previous elements, many parts of the shoreline still lack adequate public access, particularly in the urban areas.

THE IMPLEMENTATION ELEMENT

I. Introduction

Basis and Purpose. This Implementation Element, the third and final section of the Public Access Supplement, is based primarily on the findings and conclusions of the two previous sections, "The Bay Shoreline Element," and "The Appearance and Design Element." The purpose of this element is to recommend specific actions to be taken by the Commission or others to improve the administration of public access, to provide solutions to problems raised in the previous elements and the consultant's report (Security and Maintenance: The Underside of Public Access, by Armin Rosencranz, a report to BCDC, June, 1978), and to identify additional related issues which may require further study.

The Proposed Bay Plan Amendments. The proposed amendments to the Bay Plan Findings and Policies on Public Access, Appearance and Design, and Scenic Views, although part of this element, were presented separately in order to provide additional time for review and comment. Section II., Proposed Changes to the Bay Plan and Commission Procedures, below, provides further background on the proposed changes.

Additional Background. In addition to the previous elements, and the consultant's report, this element utilized information from the following documents:

San Francisco Bay Plan, January, 1969; Appearance, Design and Public Access, BCDC Staff Report, Bay Plan Evaluation Project, June, 1974; (Staff) Report to the Commission on Public Access and Shoreline Recreation Areas, February, 1976; and the staff resource inventory and analysis for the entire Bay shoreline conducted between January 1977 and May 1978, leading to the findings and conclusions for the nine geographical shoreline units of the Public Access Supplement to the Bay Plan.

II. The Legal Authority for Public Access

McAteer-Petris Act. As previously noted, the Commission's authority to require public access as part of development within its jurisdiction is based on the McAteer-Petris Act, primarily the legislative findings (Government Code Sections 66602 and 66602.1), and the Commission's permit authority (Section 66604). In addition, Section 66632.4 provides the Commission with specific authority to deny a permit on the basis of inadequate public access:

"Within any portion or portions of the shoreline band which shall be located outside the boundaries of water-oriented priority land uses, as fixed and established pursuant to Section 66611, the commission may deny an application for a permit for a proposed project only on the grounds that the project fails to provide maximum feasible public access, consistent with the proposed project, to the bay and its shoreline."

California Constitution. The Constitution recognizes the importance of public access to the state's navigable waters, including San Francisco Bay. Section 2 of Article Fifteen (XV) states:

"No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof."

This constitutional provision appears to provide an additional basis for the public access requirements of the McAteer-Petris Act. However, there may be some question whether the Act carries out the full intent of the Constitution. In any case, further investigation is needed in order to better understand the relationship between the Constitution and the McAteer-Petris Act.

Subdivision Map Act. Several sections of the Subdivision Map Act (Sections 66478.1 through 66478.14) are intended to implement the above provisions of the Constitution regarding public access to navigable waters. One section is particularly applicable to the Bay:

"66478.11 Subdivision fronting on coastline or shoreline;
provision for reasonable public access; access available near
subdivision

(a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a local agency prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located."

The Subdivision Map Act is applied generally by those local agencies that have discretionary authority over land subdivisions, and, as such, does not specifically relate to the Commission or McAteer-Petris Act. However,

since the basic goals regarding public access are similar, it would appear that there is an opportunity to include the Commission in the administration of the Map Act, in so far as it relates to public access. Further study is needed of the relationship of the two acts and how they might be coordinated in order to generally improve public access to the Bay.

Findings.

- a. Section 2 of Article Fifteen of the California Constitution recognizes the importance of public access to the state's navigable waters, including San Francisco Bay. However, the relationship between this provision and the McAteer-Petris Act is not clearly understood.
- b. The basic goals of portions of the Subdivision Map Act and the McAteer-Petris Act with regard to public access are similar. However, the relationship of the two laws and how they might be coordinated has not been studied.

Conclusions.

1. The Commission should, with the advice of the State Attorney General, determine its role, if any, within the framework of the state constitutional provision for public access to navigable waters.
2. The Commission, should, with the advice of the State Attorney General, study the relationship of the Subdivision Map Act and the McAteer-Petris Act to determine (a) how the two acts might be coordinated, and (b) the Commission's possible role under the Map Act in improving public access to the Bay.

III. Proposed Changes to the Bay Plan and Commission Procedures

Amendments to the Bay Plan. Proposed amendments to the Bay Plan Findings and Policies on Public Access, Appearance and Design, and Scenic Views, as part of this Implementation Element, were submitted separately to the Commission in a memorandum dated January 19, 1979. These proposed amendments are derived from all of the staff work and experience, and the consultants reports to date, as well as comments from various agencies and the public received during this planning process. The purpose of the amendments is to improve and "finetune" the Commission's policies in these matters, largely by revising and restructuring the Public Access section, and revising and merging the sections on Appearance and Design, and Scenic Views. The merging is proposed in order to combine two closely allied sections of the Bay Plan.

The Permit Process. The permit process is the current means of obtaining public access. Over time the process has been improved so that there is greater consistency in dealing with applicants and projects. However, as noted by the consultant on maintenance and security problems, there remains room for improvement. For example, the permit application form

should include more specific questions relating to the public access the applicant proposes to provide and maintain. Also, the applicant should provide information on the nearest public access areas. Other recommendations are included below.

The Maintenance Issue. A report, Security and Maintenance: The Underside of Public Access, was prepared for the Commission by Armin Rosencranz, Ph.D., in response to both Bay Plan recommendations and Commission concern with regard to the issues of maintenance, public liability, and policing (security). The consultant examined approximately 25% of the permits that had ostensibly required public access in order to sample the nature and severity of any problems related to maintenance and security. In addition, he prepared a special report on the liability aspects of public access.

The consultant concludes that "maintenance, while not a major problem, is not so negligible that BCDC can ignore it." The recommendations below, if implemented, could achieve a higher level of maintenance generally.

Most maintenance problems are associated with public access areas where the permittee gains no direct economic benefit from an attractive site. That is, there is no incentive for the permittee to keep the area in an attractive condition. Even though the Commission has the authority to require the maintenance of public access as part of permitted projects, it is difficult to enforce this requirement when the permittee has no economic incentive to do so.

Another type of maintenance problem can result from certain other types of public access required as a condition of a BCDC permit. For example, the maintenance of a bayfront dike in a rural area by a private party would need a permit in which the Commission would be required to make a finding regarding the adequacy of public access. On the basis of this supplement and further staff advice, the Commission might find that public access should be provided. However, the nature and cost of the improvements requiring the permit might not be commensurate with the level of improvements and long-term maintenance needed for the public access. In other words, it might be unreasonable to require the private party to provide long-term public access maintenance on the basis of such a small project. Who then should assume this responsibility?

Further study into the maintenance of public access, involving the full spectrum of agencies and options, is definitely needed, particularly since reduced local agency resources will likely shift the responsibility to the private and state agency sectors. The significant findings and staff recommendations from the consultant's report are listed below.

Additional Administrative Considerations. As noted in the introduction, the Commission, as a public agency, has an obligation to continue to inform the public with regard to the importance and status of the Bay and public access to the Bay. To this end, a free directory entitled, "Public Access and Recreation Areas," was printed and last distributed in 1976. In addition, a number of agencies and organizations have established facilities and undertaken interpretive programs to increase the public's knowledge of the

Bay. These are identified in Regional Finding 7 of the Bay Shoreline Element. However, there is no up-to-date regional directory of the many places and programs that are available to inform the public with regard to San Francisco Bay.

In addition, there is a continuing need to inform other agencies of the Commission's activities and ongoing programs. To meet this need, the Commission should undertake a program to further inform and educate local agencies with regard to the BCDC public access requirements. At a minimum the completed Supplement should be mailed with an appropriate cover letter to all agencies in the Bay Region that might have any interest or jurisdiction in the Bay. In addition, the Commission ought to conduct several public information seminars around the region to provide an informal forum for interchange of ideas between various agencies representatives and the Commission staff. In addition to covering public access requirements, these seminars could be used to update local representatives on all the various programs under the Commission's authority, e.g., energy, Suisun Marsh, Bay Plan reprinting, port planning, etc.

Findings.

- a. On the basis of the staff experience and the public access planning work to date there appears to be a need to amend and update the current Bay Plan Findings and Policies on Public Access, Appearance and Design, and Scenic Views.
- b. According to the consultant's study on security and maintenance, there are some maintenance problems at public access areas, mainly related to debris, trash, and weed control, that need to be addressed. In addition, the issue of maintenance over the long term has not been resolved.
- c. The consultant also found that most maintenance problems are associated with public access areas where the permittee does not benefit directly from an attractive site, i.e., there is no incentive for the permittee to keep the site in an attractive condition.
- d. Contrary to an often expressed concern, costs related to security and maintenance are not excessive, do not drive away development within the Commission's jurisdiction, and do not cause an increase in liability insurance premiums.
- e. Although the concept of public access to the Bay is better known and defined after nearly 10 years of permit experience, there is often a lack of general public knowledge as to the importance of Bay access and of the Bay as a public resource.
- f. In certain cases, the requirement for maintenance of remote public access areas obtained through the permit process might impose an unreasonable hardship on a private party that is performing only minor work within the Commission's jurisdiction.

- g. Existing nature education and Bay interpretive programs provide valuable information to the public regarding the importance of San Francisco Bay. Even though the number of these programs is increasing, the demand for such programs has by no means been satisfied. In addition, there is no up-to-date directory to identify all of these programs and facilities.

Conclusions.

1. The proposed amendments to the Bay Plan Findings and Policies on Public Access, Appearance and Design, and Scenic Views, previously submitted as part of this Implementation Element, should be adopted by the Commission.
2. To implement the proposed Bay Plan amendments, all information to applicants, application forms, and permits should be written so that the applicant understands he or she should be prepared to provide reasonable public access improvements for the public's safety and convenience, including, where appropriate, identifying signs, trash containers, litter pick-up, and weed control. To this end, all Commission permits and approvals should carry conditions requiring these improvements and the necessary on-going maintenance where appropriate.
3. The Commission should continue to investigate all possible methods of achieving a uniform level of maintenance at public access areas. Particular attention should be paid to (a) an incentive system for dealing with those areas where the owner operator does not benefit directly from the appearance of the public access, and (b) the funding and operation of the system that may be necessary to insure the long term maintenance of public access areas that may be in remote locations and are not reasonably part of a permit condition.
4. To implement further the public access requirement of the McAteer-Petris Act, the Commission should continue to inform the public regarding the status and location of all shoreline access sites, including recreation and interpretive areas, by (1) periodically updating and distributing the access directory; and (2) requiring identification signs at all public access areas created through the permit process.
5. The Commission should actively conduct a public information outreach program to acquaint all relevant agencies and the public with the Commission's activities and publications.

IV. Implementation Techniques Requiring Further Study.

There are number of implementation techniques that should be studied further to improve public access to the Bay.

BCDC Shoreline Band Jurisdiction. As noted above, the McAteer-Petris Act provides that inadequate public access is a basis for permit denial. However, this very authority may limit the Commission's ability to achieve maximum feasible public access.

The Bay Plan, when adopted by the Commission in 1968, recommended that the BCDC shoreline band jurisdiction should extend 1000 feet inland. When the McAteer-Petris Act was amended in 1969, the shoreline band jurisdiction was set at 100 feet. By comparison, the State Coastal Commission has jurisdiction over a minimum 1000-yard band, except in a few urban areas. During the nearly ten years of public access experience, questions have been periodically raised regarding the adequacy of the Commission's 100-foot shoreline band in achieving maximum public access.

In addition, there are several known instances where an applicant has either moved his entire project out of the 100-foot shoreline band, or relocated the bulk of the project so as to avoid the Commission's public access requirements. In these situations, the public lost opportunities for improved public access at no public cost and the developers deprived themselves of the use of their property within the shoreline band. There may have been other cases where, on the basis of an inquiry into the Commission's permit requirements, developers have relocated outside the shoreline band. There is a need for additional data on these cases in order to better determine the effect of the Commission's limited shoreline band jurisdiction on public access. (Several in-house staff reports have already been prepared on this subject.)

Relationship with other State Agencies. Existing State agencies such as State Lands Commission, Department of Fish and Game, Department of Parks and Recreation, have the authority to control and manage land for public use. While cooperation and coordination with these agencies has been generally good, continued efforts should be made to further improve this relationship with special emphasis on acquisition and management of areas for public access that cannot be achieved through the permit process.

Relationship with Local Agencies. The cooperation of regional and local agencies on Bay-related issues is vital to the continued success of the Commission's activities on behalf of the public. Most of these agencies are responsible for approval of projects that may also require a Commission permit. However, there have been occasions where a lack of complete coordination and communication has caused undue hardship on applicants, particularly with regard to the Commission's public access requirements. There are a number of areas where both the Commission and the various agencies can effect improvements to the benefit of both.

First, as previously noted in Section III (page 8), above, the Commission should undertake a program to further inform and educate local agencies with regard to the BCDC public access requirements.

In addition, further consideration should be given to establishing methods bringing local plans and ordinances into conformance with the Bay Plan and Public Access Supplement. A recommendation to this effect is proposed as

an amendment to Policy 8 of the Bay Plan Findings & Policies on Public Access. Any consideration should include investigation of amendments to the McAteer-Petris Act, the Subdivision Map Act, and other appropriate statutes.

Once the permit process has been exhausted as a means of providing shoreline public access, the local agency usually must consider acquisition as a means of providing the access. However, the costs of acquisition and development cannot always be met with the necessary local funds. Therefore, to assist local agencies in funding for acquisition and management of public access areas, a listing of funding sources is contained in Appendix A.

Coastal Conservancy. A number of privately-owned shoreline areas needed for achieving public access continuity are not likely to be available for this use, unless and until they can be acquired or otherwise set aside for public use. These are generally sites that are not likely to be developed for some time but may be desirable for public access in the immediate future. For example, an area may be particularly important as a public access link; however, because of any number of factors, the shoreline within BCDC jurisdiction may not be developed in the foreseeable future thus requiring a Commission permit. Without the involvement of the Commission in the permit process, access to the Bay in this case could only be assured through public control or acquisition.

The Coastal Conservancy is a State agency involved with the acquisition of shoreline areas for public use. The Conservancy was created in 1976 as an important implementation tool for the policies of the Coastal Act of 1976. It is charged with implementing a program of agricultural protection, area restoration, and resource enhancement in the coastal zone consistent with the policies and guidelines of the Coastal Act, by acquiring property interests within the coastal zone.

Of perhaps particular applicability to the Bay, the Conservancy can also purchase potential park areas and hold them until an appropriate agency can acquire the property. Further and most relevant to the Public Access Supplement, the Act creating the Coastal Conservancy vests in the Department of Parks and Recreation "authority to implement a system of public accessways to and along the state's coastline." The Conservancy is authorized to award grants to the Department for planning, acquisition, development, and maintenance of the accessways of more than local significance. In order to carry out its mandate, the department is required to "adopt standards to guide federal, state, and local public agencies in acquiring and developing public access to coastal resources."

It is apparent that the Coastal Conservancy and the Bay Commission share common goals. However, the Conservancy authority is limited to the ocean coastline. The enlargement of the Conservancy to include San Francisco Bay, would provide the Commission with an important implementation tool for providing additional public access beyond what would be provided through the permit process. The Conservancy might also become a valuable mechanism for improving impaired ecological resources along the Bay, and helping to redevelop urban shorelines.

The Commission has already recommended that the Conservancy's jurisdiction be expanded to include the Bay, as part of the recommendations to the Legislature resulting from the recent Coastal Commission-BCDC Study (June 1978).

Findings.

- a. Questions have been periodically raised regarding the adequacy of the Commission's 100-foot shoreline band jurisdiction in achieving maximum feasible public access to the Bay.
- b. A number of existing state agencies have the authority to control and manage land in and around the Bay. Coordination and cooperation with these agencies has been generally good, albeit informal; however, there is room for improvement.
- c. Close cooperation, coordination and communication between regional and local agencies, and the Commission is necessary to insure the continued achievement of maximum feasible public access to the Bay.
- d. A number of privately-owned shoreline areas needed for achieving public access continuity to and along the Bay are not likely to be provided for this use unless and until they can be acquired or otherwise set aside for the public.
- e. The Coastal Conservancy, created in 1976 as an implementation tool for the policies of the Coastal Act, and the Bay Commission share common goals with regard to protection, restoration and enhancement of shoreline resources. However, the Conservancy authority which includes acquisition of property interests is limited to the ocean coastline.
- f. The mandate of the Commission does not include the authority to acquire or administer property.

Conclusions.

1. The Commission should undertake an ongoing study of the shoreline to determine the relationship of the 100-foot shoreline band jurisdiction to the location of projects, and the subsequent effect on achieving public access to the Bay. Specifically, the study should address whether the Commission's current shoreline band has limited its ability to achieve maximum feasible public access, and, if so, provide recommendations toward alleviating the problem.
2. The Commission should continue to explore all methods of improving cooperation and coordination with all the various state agencies involved with Bay-related issues, especially public access. Since many of the lands involved provide for recreational uses this study should be pursued as part of the proposed revisions to the Bay Plan section on Recreation.

3. All agencies, state, regional, and local, that approve projects should assure that approval provisions and conditions related to the Bay are consistent with the Commission's requirements, particularly with regard to public access (see Public Access policy 8, as amended).
4. As already recommended by the Commission, the Coastal Conservancy is a means for increasing public access to the Bay when this access is not achievable through the permit process. The Commission should continue to actively support legislation increasing the Conservancy's authority to include San Francisco Bay.
5. The Commission should provide advice and counsel to regional and local agencies on Bay-related issues, particularly public access. To this end, the directory of funding sources related to public access (see Appendix A) should be updated biennially for distribution to these agencies.

V. Other Public Access Issues Considered

In-Lieu Public Access. The question of in-lieu access, that is, access provided elsewhere than the project site, has been often raised. As early as 1972, the staff investigated the various implications of this concept, particularly the idea of charging in-lieu fees to finance off-site public access. While the concept was well founded in existing law, particularly in park dedication ordinances, the staff concluded that the levying of such fees would not be in the best public interest. For example, a fee system would require the promulgation of dimensional standards for application to all projects subject to the Commission's jurisdiction. The staff and Design Review Board felt that such standards would be counterproductive since they would stifle design imagination and be generally used as the maximum achievement instead of the minimum requirement. Also, the Bay shoreline is such a varied resource that reasonable and equitable standards for the design of public access would be difficult, if not impossible to devise. For these and other legal reasons, the staff feels that in-lieu fees, as a substitute for the public access requirement, should not be pursued at this time.

On the other hand, the general concept of in-lieu access should be considered as a viable means of obtaining appropriate public access on a case-by-case basis. Indeed, the Commission exercised its discretion in this regard when it required the Ports of Oakland and San Francisco to provide public access at locations apart from the immediate project area, largely due to safety, security, or use conflict considerations. On the basis of this experience the Commission should continue to seek public access as part of each project, even if it must be provided off-site.

Security and Liability. In his examination of security and maintenance issues, the Commission's consultant found that "security seems to be a minimal problem." The consultant also prepared a special report on the issue of public liability in which he found that there is nothing to substantiate the applicants' oft-expressed fear of law suits on liability issues related to public access areas.

Findings.

- a. Because of public safety or use conflict considerations, public access as part of a specific project site may not always be feasible. In these cases, in-lieu public access, e.g., access provided elsewhere than the specific project site, has been utilized in some situations as an appropriate means of satisfying the Commission's public access requirements.
- b. An in-lieu system based upon fees charged applicants appears to present unique problems with regard to public access. In order to be equitably administered, such a system would require the promulgation of specific standards, which would stifle design imagination and generally be used as the maximum achievement instead of the minimum requirement.
- c. According to the Commission's consultant, security at public access areas appears to be a minimal problem. In addition, the consultant found there have been no reports of injuries, accidents, claims, lawsuits, increased insurance premiums, or other liability-related issues in connection with public access areas required as a condition of a BCDC permit.

Conclusions.

1. The Commission should continue to utilize the in-lieu concept as a positive means of providing increased public access to the Bay (see proposed amendment to Bay Plan Public Access policy No. 1).
2. The Commission should periodically review security and liability issues related to public access in order to keep abreast of any changes that may require further Commission action.

VI. Proposed Amendments to Bay Plan Policies on Public Access, Appearance and Design, and Scenic Views. (See separate report dated January 19, 1979.)

VII. Appendix A.

Directory of Funding Sources for Local Agencies. Attached. (NOTE: Because of the current paper shortage, this appendix has been attached only to copies of this element sent to the Commissioners and Alternates. Individuals desiring copies should contact the Commission office.)

APPENDIX A

POSSIBLE SOURCES OF FUNDING FOR PUBLIC ACCESS TO THE BAY

The following listing, complete as of September 30, 1978, represents those agencies and organizations known to BCDC that have the capacity and interest to fund projects or portions of projects that would provide public access to the Bay in those areas it would not likely be provided through private development. While it is intended to be as complete as possible, it should not be considered the final word on the subject. Each individual entity should be contacted directly for further information.

Each public agency entry is in the following sequence: Title of program or enabling act; Purpose(s) funded: (A) Acquisition, (D) Development, (P) Planning, (O) Operation; or (S) Special; Criteria for Grants; Share or matching grant information; Agency name and address.

The private sources listings provides only the name, address, and a sample listing of a previous project that may be related to the Bay or similar resources.

I. PUBLIC AGENCY SOURCES

A. Federal Programs

1. Land and Water Conservation Fund.

(A/D) Acquisition and/or development of outdoor recreation areas and facilities. Emphasis on meeting region wide and urban recreation needs. Fifty percent (50%) federal grant with state or local governments matching the remaining 50%. Administered at the Federal level by the Heritage, Conservation and Recreation Service. Contact the State Department of Parks and Recreation, 1416 Ninth Street, Sacramento, 95814.

2. Disposal of surplus Federal property - Federal Real Property Grants.

(A) Development of park, recreation and historic areas. Makes land available at discounts of fair market value for public recreation. Historic sites are made available at no charge. Inquire at Heritage Conservation and Recreation Service, 450 Golden Gate Avenue, San Francisco, 94102 for information on acquiring land for park or recreation purposes. Queries relative to historic monument and other purpose should be addressed to the General Services Administration, 450 Golden Gate Avenue, San Francisco, 94102.

3. National Historic Preservation Act of 1966.

(A/D) Makes grants for history preservation, acquisition and restoration. Places emphasis on preservation of local, regional and state historical sites and places. Fifty percent (50%) reimbursement of project cost. Contact the State Historic Preservation Officer, Department of Parks and Recreation, 1416 Ninth Street, Sacramento, 95814.

4. Housing and Community Development Act of 1974.

(D) Provides 100% discretionary grant funding (in excess of predetermined block grant amounts) for physical community development activities, including parks and recreation. Contact the Office of Community Planning and Development, Department of Housing and Urban Development, 450 Golden Gate Avenue, San Francisco, 94102.

5. Bicycle Transportation and Pedestrian Walkways.

(D) To develop and improve bicycle and pedestrian facilities. Has emphasis on safety, contiguous routes and effective use of highway right-of-way to encourage bicycle transportation. Provides 70% Federal, 30% State funding on a \$2.5 million per State per year maximum obligation. Contact Federal Highway Administration through the State Department of Transportation, 1120 "N" Street, Sacramento, 95814.

6. Housing and Community Development Block Grants (CDBG).

(S) These funds are disbursed from the Department of Housing and Urban Development for a variety of community development purposes. HUD has extensive regulations as to the proper uses of these monies and should be contacted for further information, application procedures, eligible activities, recipient requirements and so forth. Contact the HUD office listed in 4 above.

7. Public Works and Development Act of 1965.

(S) Provides 50% to 80% Federal grants; based on unemployment rate, and loans when other alternatives are not available. Emphasizes the creation of long-term employment opportunity by planning technical assistance, business loans, public works and grants. Parks and recreation facilities are also provided for. Inquire at the Economic Development Administration, 1700 Westlake Avenue, Seattle, Washington, 98109.

8. Community Action Program - Economic Opportunity Act of 1964
(P. L. 88-452)

(S) Helps urban and rural communities mobilize their resources to combat poverty and includes funds for recreation leadership, salaries, training, research and recreation equipment. Private, non-profit or public agencies are eligible. Contact the State Employment Development Department, 555 Capitol Mall, Room 329, Sacramento, 95814.

9. National Endowment for the Arts Grants.

(S) Provides 100% to individuals, 50% to organizations for a wide variety of art, dance, music, and allied projects. Contact the National Endowment for the Arts, 2401 "E" Street N.W., Washington D.C. 20506.

10. General Assistance.

(S) In addition to the various grant programs noted above, the Heritage Conservation and Recreation Service (formerly the Bureau of Outdoor Recreation) has prepared a number of booklets designed "to assist government agencies and non-profit organizations involved in leisure services and heritage preservation to stretch their limited dollars for maximum effectiveness and public benefit." Contact H.C.R.S. at P.O. Box 36062, 450 Golden Gate Avenue, San Francisco, California 94102.

B. State Programs

1. Bicycle Lane Account (SB 244, 1976)

(A/D) For acquisition and development of bicycle lanes. Ninety percent (90%) funding to be matched by 10% local agency funding. Contact the State Department of Transportation (CalTrans), Bicycle Program Coordinator, 1120 "N" Street, Sacramento, 95814.

2. Wildlife Conservation Act of 1947.

(A/D) Provides 50% to 100% funding for costs of acquiring and/or developing hunting, fishing access, fishing piers, lake construction and wildlife habitat preservation or improvement. Contact the Wildlife Conservation Board, 1416 Ninth Street, Sacramento, 95814.

3. Navigation and Ocean Development Loans and Grants

(P/D) For planning and construction loans for marinas; grants for launching facilities. For criteria, share allocation and other information, contact the California Department of Boating and Waterways, 1629 "S" Street, Sacramento, 95814.

4. Sales Tax on Gasoline Fund (SB 325, 821)

(A) Purpose is to make available 2% of the gasoline tax fund for pedestrian and bicycle routes on a premissive basis. Contact the Metropolitan Transportation Commission, Hotel Claremont, Berkeley, 94704.

5. Urban Open Space and Recreation Grant Program (SB 174)

(A/D) Provides 75% grants for acquisition and development of park and recreation areas and facilities, both indoor and outdoor. Grants must supplement and supplant local expenditures. Contact Department of Parks and Recreation, Office of Grants and Local Assistance, 1416 Ninth Street, Sacramento, 95814.

6. Off-Highway Vehicle Grants Program

(A/D) For acquisition and development of trails and areas of use for off-highway vehicles. Public participation in off-highway vehicle planning is required under this program. Seventy-five percent (75%) grants are made. Apply to the same agency as in 5. above.

7. Davis-Grunsky Act

(D) Provides loans and grants to local water agencies with emphasis on recreation, fisheries, and wildlife aspects of multi-purpose water control projects. Grants allocated only to recreation portion of projects. Department of Water Resources, 1416 Ninth Street, Sacramento, 95814.

8. 1974 State Grant Program (Z'berg-Collier Park Bond Act)

(A) For acquisition of beaches, parks, recreational facilities and historic resources. One hundred percent (100%) grant funding not to exceed funds allocated to applicant by county's priority plan for expenditure. Projects are selected at the local level. Apply to the Department of Parks and Recreation, Office of Grants and Local Assistance, 1416 Ninth Street, Sacramento, 95814.

9. 1976 State Grant Program (Nejedly-Hart Park Bond Act)

(A) For acquisition of outdoor recreation or historic projects. Funding and contact agency is the same as the 1974 Grant Program in 8. above.

10. Keene-Nejedly Wetlands Conservation Act.

(A) Authorizes cooperative action of the Departments of Fish and Game and Parks and Recreation to acquire interests in real property, less than fee, for the preservation and protection of the state's wetlands as defined in Public Resources Code Section

5810. Ordered these departments to submit a study of wetlands in California and to submit it to the Legislature by January 15, 1978. Authorizes these departments to enter into agreements with local governments and districts for management and control of wetlands for their preservation and to insure the right of the people to the use and enjoyment of those wetlands. Contact the Department of Parks and Recreation, 1416 Ninth Street, Sacramento, 95814.

11. Subdivision Map Act (California Government Code Section 66410 et seq.)

(A) Section 66477 of this Act provides that local governments may enact ordinances which condition their approval of subdivision to the local government for park and recreation purposes or; (2) payment of "in lieu" fees to the local government by the subdivider for park and recreation purposes. This section primarily applies to residential subdivisions.

Sections 66478.1 through 66478.14 is intended to implement Section 2 of Article XV of the California Constitution, as applicable to navigable waters. Generally, these Sections provide that the public shall have access to the public resources of this state. Public resources are defined in this legislation as including bays, rivers, shorelines and so forth. Interested parties should consult the California Government Code which should be available at some public libraries, county law libraries, city and county attorneys' offices and the law libraries of Bay Area law schools.

II. PRIVATE SOURCES - Foundations and Funds

(all listings are foundations except where designated as a Fund)

- A. Cowell (S.H.), 68 Post Street, Room 718, San Francisco 94120
\$20,000 to the Hunter's Point Community Youth Park Foundation for playground equipment.
- B. Gellert (Carl), 2222 19th Avenue, San Francisco 94116
\$5,000 to the City of Daly City for Park and recreation facilities and equipment.
- C. Gellert (Fred), 2222 19th Avenue, San Francisco 94116
\$5,000 to the City of Daly City for park and recreation facilities.
- D. Gerbode (Wallace Alexander), 149 Ninth Street, San Francisco 94103
\$25,000 to the Fort Mason Foundation for housing and technical assistance in arts, etc., recreation and ecology using government-surplus Fort Mason facilities.
- E. Hwelett (William and Flora), 2 Palo Alto Square, Palo Alto 94302
\$5,000 to the Point Reyes Bird Observatory

- F. Kaiser (Henry J.), Family 2 Palo Alto Square, Ste. 1010, Palo Alto 94304
\$73,000 to the Center for Independent Living, Inc.
- G. Nelson (Florence), 3100 Crocker Plaza, San Francisco 94104
\$1,000 to the Desert Shelter for Animals
- H. Packard (David and Lucille), 330 Second Street, Los Altos 94022
\$15,000 to the Conservancy
- I. Sierra Club, 530 Bush Street, San Francisco 94108
\$4,400 to the Citizens Waterfront Committee
- J. Skaggs, The, 1123 Central Building, Oakland 94612
Aid to recipients in the East Bay preferred
- K. L.J. Skaggs and Mary C. Skaggs, 1330 Broadway, Ste. 1730, Oakland 94612
Attention to minority affairs and to current community concerns.
- L. Sorensen (Harvey L.) and Maud C. Sorensen
c/o James R. Bancroft, Avery and McAllister
240 Stockton Street, San Francisco 94108
\$10,800 to Ducks Unlimited. Has particular interest in the Bay Area.
- M. Stulsaft (Morris), The 100 Bush Street, Room 500, San Francisco 94104
\$15,600 to Vine Village, Inc., of Napa for remodeling winter day camp recreation facility; \$16,300 to the Boys Club of Richmond.
- N. Weeden c/o John Weeden
315 Montgomery Street, San Francisco 94104
\$4,300 to the Nature Conservancy.
\$1,000 to the Sierra Club.
\$1,000 to Poricy Park.
- O. Dean Witter 57 Post Street, San Francisco 94104
\$6,000 to the Suisun Conservation Fund
\$2,500 to California Trout
Secondary emphasis on wildlife preservation in Northern California.
- P. Other Sources:
- Ahmanson, 3731 Wilshire Boulevard, Los Angeles 90010
- Atlantic Richfield, 515 Flower Street, Los Angeles 90017
- Fleischmann (Max C.), P. O. Box 1871, One East Liberty Street, Reno Nevada 89505
- Irvine (James), 450 Newport Center Drive, Suite 545, Newport Beach 92660

Kresge, 2401 West Big Beaver Road, Troy, Michigan 48084

Mott (Charles Stewart), 500 Mott Foundation Building, Flint, Michigan 48502

San Francisco, 425 California Street, Room 1602, San Francisco 94104

Zellerbach Family Fund, 260 California Street, Suite 1010, San Francisco 94111

Zellerbach (Harold and Doris) Fund, 1 Bush Street, Number 1863, San Francisco 94119

Zellerbach (William and Margery), P. O. Box 7748, San Francisco 94119

Q. Registry of Charitable Trusts

Wells Fargo Building, 1315 Fifth Street, Room 443, Sacramento, 95813

R. Where the Money's At - 1978

Tobey, Patricia Blair, Editor; Warner, Irving R., Contributing Editor. ICPR Publications, Los Angeles, New York, Washington D.C., \$17.00.

S. Guide to California Foundations

Prepared by the San Francisco Study Center, 1095 Market Street, San Francisco 94103 \$6.00 prepaid.

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SAVE SAN FRANCISCO BAY ASSOCIATION
COMMENTS ON PUBLIC ACCESS SUPPLEMENT
AT BCDC MEETING MARCH 15, 1979

SAN FRANCISCO BAY CONSERVATION
& DEVELOPMENT COMMISSION

My name is David Fogarty speaking for Save San Francisco Bay Association. We first want to commend staff, particularly Kent Watson and Paul Calley, for the superior job they have done in preparing this public access plan. The Association believes the plan will be a very positive step that will enhance the public's opportunity to use and enjoy the San Francisco shoreline.

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General Comments

The Association has submitted written comments on earlier elements of the plan. On this last section, regarding implementation, we want to highlight two points concerning enforcement and the Commission's shoreline jurisdiction. We will then suggest specific language changes relating to these issues as well as other items included in the Public Access Supplement.

A key element in the implementation of BCDC's permit conditions is the Commission's ability to enforce those conditions after approval. The Legislature recognized the importance of enforcement when it granted BCDC strong cease and desist powers. The Commission has followed through on this legislative mandate by hiring an Enforcement Officer.

With this experience in mind the Association was seriously concerned that none of the findings or policies of the Implementation Element included specific reference to BCDC's enforcement responsibilities. While economic incentives may be helpful, the Association believes that the best incentive for applicants to comply with permit conditions is the strict and regular application of the Commission's enforcement powers.

The Association believes that the current 100 foot shoreline band has been adequate to fulfill the Commission's objectives. However, since some questions have been raised about its adequacy in achieving maximum public access, we agree with the staff position that the Commission should establish a monitoring system to keep track of future changes.

Specific Recommendations

p. 65, para. 3: Delete last sentence beginning with "Even though the Commission has the authority..."

(Note: This sentence emphasizes the difficulty of enforcement rather than the importance of enforcement. Whether or not there are incentives for public access, BCDC has the responsibility to enforce permit conditions since economic incentives don't always exist.)

p. 66, finding (b): Omit last sentence "In addition, the issue of maintenance over the long term has not been resolved"
Substitute: BCDC enforcement procedures have not been adequate in every case.

(Note: The substitute language more clearly indicates one reason for the maintenance problems referred to in the preceding sentence in this finding. Moreover, it is important to specifically indicate that BCDC has enforcement responsibility to require proper maintenance.)

p. 67, conclusion 3: Add subparagraphs (c) and (d):
(c) enforcement could be facilitated by stricter permit requirements
(d) enforcement could be facilitated by more frequent and regular surveillance.

p. 67 conclusion 5: Add phrase to end of sentence stating: and enforcement responsibilities.

BCDC Shoreline Band Jurisdiction

p. 68, para. 2: Approve of first sentence reading, "As noted above, the McAteer-Petris Act provides that....
Suggest deletion of second sentence.

(Note: The second sentence is confusing and is not based on a great deal of factual information)

Relationship with other State Agencies

p. 68, para. 6 Suggest amended language for second sentence:

While cooperation and coordination with these agencies has been generally good, greater efforts should be made...

Relationship with Local Agencies

p. 69, para. 2: Recommend rewriting to be consistent with Policy 8 or deletion of last two sentences.

(Note: This paragraph should be consistent with Policy 8 which does not recommend investigation of amendments to the McAteer-Petris Act, Subdivision Map Act, and other appropriate statutes.)

Coastal Conservancy

p. 69, para. 4 Omit entire paragraph

(Note: The paragraph is redundant, and implies that the purpose of the Coastal Conservancy is limited to providing public access continuity.)

p. 70, para. 1: The last line states that the Coastal Conservancy might be a valuable mechanism to help redevelop urban shorelines. Will this process conflict with the Special Area Plan process? Omit?

Findings

p. 70, finding (b) Amend first sentence to read: A number of existing state agencies have the authority to control, acquire and manage land in and around the Bay.

Appearance, Design, and Scenic Views

p. 88, Policy 2 Amend second sentence to read: To this end, planning of waterfront development should include participation by the public and professionals, such as landscape architects, urban designers, or architects, working in conjunction with engineers and professionals in other fields, who are knowledgeable of BCDC's concerns.

(Note: The public's concerns, no less than the professionals' views, should be considered in decisions relating to appearance and design.)

p. 89, Policy 12: Amend policy to read: The Commission's Design Review Board, composed of design and planning professionals, should review, evaluate and advise the Commission on the proposed design of developments that affect the appearance and use of the Bay in accordance with the Bay Plan findings and policies on Public Access, Appearance, Design, and Scenic Views, the General Development Guide: and the Public Access Design Guidelines. City, county, regional, state, and federal agencies should be requested to evaluate Bay-front projects utilizing the above guidelines.

Note: Combining guidelines for the BCDC Design Review Board and other agencies is

(Over)

confusing and inappropriate since the Commission does not have the authority to prescribe guidelines for other agencies.)

Part V Carrying Out the Bay Plan

1. Permit Procedures for Filling and Dredging

p. 91:

Should not the list of professionals for the Design Review Board also include an engineer since an engineer currently sits on this Board?

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

March 30, 1979

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director

SUBJECT: STAFF RECOMMENDATION ON THE PUBLIC ACCESS SUPPLEMENT TO THE BAY PLAN
(For Commission Consideration on April 5, 1979)

The enclosed package constitutes the final submittal for the Public Access Supplement to the Bay Plan. In order to reduce costs of paper, printing and mailing, the complete Supplement, dated March 12, 1979, and previously mailed to the Commission has not been enclosed. However, revisions to the Supplement have been covered in the enclosed Addendum to the Supplement. Because of their importance, the Bay Plan amendments have been revised and included in their entirety in this package.

The complete package is composed of the following, in sequence:

1. Addendum to the Public Access Supplement.
2. The proposed amendments to the Bay Plan which are contained in the document entitled "March 30, 1979, Final Draft, Appendix C - Public Access Supplement, Proposed Bay Plan Amendments to: Findings and Policies on Public Access, Appearance & Design, and Scenic Views; and Portions of Part V."
3. Negative Declaration for the Public Access Supplement, dated January 5, 1979.
4. Proposed Resolution No. 65, adopting the Supplement and related documents.
5. General Development Guide, as revised, (Appendix B to the Supplement, formerly Appendix A to the Bay Plan).
6. Public Access Map (Appendix D to the Supplement, which is a regional summary map of sites at a scale of 1:125,000).

Recommendation. The staff recommends that the Commission approve the attached Resolution No. 65 adopting the Public Access Supplement to the Bay Plan, the Bay Plan amendments, and certifying the Negative Declaration for the Supplement.

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